

MEETING
STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
ENVIRONMENTAL JUSTICE ADVISORY COMMITTEE

CAL/EPA HEADQUARTERS
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ADVISORY COMMITTEE MEMBERS

Ms. Diane Takvorian, Co-Chairperson, Environmental Health Coalition

Ms. Detrich Allen, Co-Chairperson, City of Los Angeles, Department of Environmental Affairs

Mr. David Arrieta, DNA Associates

Mr. Henry Clark, West County Toxics Coalition

Ms. Teresa DeAnda, Central Valley Representative, Californians for Pesticide Reform, also represented by Ms. Martha Dina Arguello, Physicians for Social Responsibility

Mr. Michael Dorsey, County of San Diego, Department of Environmental Health

Ms. Sue Georgino, City of Burbank, represented by Mr. Greg Hermann, City of Burbank

Mr. Robert Harris, Pacific Gas & Electric, also represented by Ms. Holly Welles

Ms. Brenda Jahns-Southwick, California Farm Bureau Federation

Mr. William Jones, Health Hazardous Materials Division, Fire Department, Los Angeles County

Ms. Yuki Kidokoro, Communities for a Better Environment, also represented by Mr. Antonio Diaz, People Organizing for Demand Environmental & Economic Rights

Ms. Barbara Lee, North Sonoma County Air Pollution Control District

Mr. Joseph Lyou, California Environmental Rights Alliance also represented by Mr. Jose Carmona, Center for Energy, Efficiency and Renewable Technologies

Mr. Bruce Magnani, California Chamber of Commerce

Ms. Hermila Trevio-Sauceda, represented by Mr. Jose T. Bravo, Just Transition Alliance

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Ms. Lenore Volturno, Pala Band of Mission Indians

Mr. Barry Wallerstein, South Coast Air Quality Management District, also represented by Mr. Larry Greene, Sacramento Air Quality Management District

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Ms. Vanessa Byrd, Manager, Education and Outreach

Mr. Jim Marxen, Chief, Public Participation Program

Mr. Leonard Robinson, Acting Director

Ms. Caren Trgovcich, Division Chief, Cleanup Operations

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Mr. Randy Segawa, Supervisor, Air Support Group

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Ms. Linda Murchison, Assistant Division Chief, Planning and Technical Support Division

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CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

Dr. Shankar Prasad, Deputy Secretary

Ms. Malinda Dumisani, Special Assistant, Environmental Justice

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APPEARANCES CONTINUED

STATE WATER RESOURCES CONTROL BOARD

Ms. Beth Jines, Chief, Officer of Public Affairs

Mr. William Rukeyser, Information Officer, Office of
Public Affairs

ALSO PRESENT

Ms. Irma Anderson, Midway Village resident

Mr. Barry Bedwell, California Grape & Tree Fruit League

Mr. Brian Beveridge, West Oakland Environmental Indicators
Project

Ms. Kendra Daijogo, California Council for Environmental
and Economic Balance.

Ms. Maria Downing, Midway Village Superfund Resident

Mr. Dan Emmett, EIN

Ms. Margaret GordonWest Oakland Environmental Indicators
Project

Mr. Shabaka Heru, Community Coalition for Change

Mr. Jason Mark, Union of Concerned Scientists

Mr. Jesse Marquez, Executive Director, Coalition for a
Safe Environment

Mr. Angelo Logan, East Yard Communities for Environmental
Justice, Commerce and East Los Angeles

Ms. Rachel Lopez, Center for Community Action and
Environmental Justice

Ms. Mary Tanner, Midway Village resident

Mr. Jesus Torres, CBE

Ms. LaDonna Williams, People for Children's Health and
Environmental Justice

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1 PROCEEDINGS

2 CO-CHAIRPERSON ALLEN: I'm going to say good
3 morning. I'm Dee Allen. I'm Co-Chair of the Committee.
4 Diane is going to join us. She's running a little bit
5 late, so she'll be joining us later in the meeting.

6 We'd like to welcome our newest member to the
7 Committee, Bob Harris, PG&E -- my environmental term,
8 recycled. We're glad to have you on board.

9 Shankar, do you have any comments?

10 CALEPA DEPUTY SECRETARY PRASAD: I'd like to say
11 welcome, too, and it's nice to have you back on board.
12 And we have a pretty big agenda in front of us, so I hope
13 we'll be able to get through everything on the agenda.
14 And I request that Jim Marxen is scheduled to give a
15 presentation has a conflict. In that case maybe we move
16 that agenda item up when he comes.

17 CO-CHAIRPERSON ALLEN: We'll go ahead with the
18 first agenda item, Update on the Hydrogen Highway.

19 (Thereupon an overhead presentation was presented.)

20 MS. KASPER: Thank you. Hi. My name is Lisa
21 Kasper. I'm with the Air Resources Board. And today I'm
22 going to talk about the implementation of the California
23 hydrogen highway network. And then Jason Mark of the
24 Union of Concerned Scientists is going to do a separate,
25 or a second part, of my presentation talking about

1 environmental viability of the hydrogen highway.

2 The hydrogen highway network is a long-term
3 vision for California to move away from petroleum
4 dependence. And it has a lot of other benefits I'll talk
5 about in my presentation. But as we begin to move forward
6 with the Governor's visioning, we want to make sure we do
7 it right. I know there are a lot of ways we can do this,
8 and we do want to do it right. And we want to meet
9 environmental goals.

10 And we also want to make sure that we don't -- we
11 move forward, we don't adversely impact communities and
12 neighborhoods that are already just disproportionately
13 impacted by air pollution. So we want to hope this is a
14 first step in a dialogue with this Committee, with other
15 advocates, and environmental justice representatives
16 throughout the state so that as we move forward we get
17 input from you, that we make sure that we do do this
18 right. So hopefully as we move forward with this
19 implementation we can continue working together.

20 --o0o--

21 MS. KASPER: So with that, I just want to start
22 with my first slide. So today I'll be talking about
23 California's challenges. I'm sure all of you are familiar
24 with these challenges, but I'll just briefly go through
25 what they are. Then I'll talk about why hydrogen. Then

1 I'll give you some background about the California
2 Hydrogen Highway Blueprint Plan, which was the beginning
3 of this whole process, and kind of our plan as we
4 implement the program. Then I'll talk about Senate Bill
5 76, which is the first step in implementation. Then I'd
6 like to talk about what we hope your role will be in this
7 process, the next steps, and then some concluding remarks.

8 --o0o--

9 MS. KASPER: Like I said, as most of you are
10 probably familiar, 90 percent of Californians still live
11 in areas that are exposed to unhealthy air due to ozone
12 particulate matters, air toxics. And over half of this
13 pollution is caused by mobile sources.

14 Another problem, or potential problem, in
15 California that we're facing are the impacts of climate
16 change.

17 Next slide, please.

18 --o0o--

19 MS. KASPER: These impacts could range from
20 health impacts from worsening air quality and infectious
21 diseases, crops, agriculture. Crop yields could diminish
22 or change. Our forests could be damaged. Our water
23 resources, our water supply, and water quality may be
24 diminished. We have in California a significant amount of
25 people that live on the coastal areas, so we could see

1 rising sea levels, which would cause erosion and lots of
2 problems on the coast. And then our species and natural
3 areas could be impacted by climate change.

4 Next slide, please.

5 --o0o--

6 MS. KASPER: Another problem in California that
7 we face is our implications of petroleum dependence.
8 Those have economic implications. As gasoline prices and
9 diesel prices rise, people have less money to spend. They
10 have to spend more on goods and services. We're
11 particularly vulnerable to external supply disruption and
12 geopolitical instability from foreign imports. And, of
13 course, the environmental impacts from being so dependent
14 on petroleum increases our exposure to toxic air
15 contaminants, criteria pollutants, and, like I mentioned,
16 threat of climate change.

17 Next slide, please.

18 --o0o--

19 MS. KASPER: So with that, why hydrogen? Well,
20 if we do this right, it can solve and help us with a lot
21 of these issues. Cars, like I mentioned, are a
22 significant source of air pollution. And with hydrogen
23 and fuel cell vehicles, we'd have zero emissions. So that
24 would help that problem.

25 It also -- we have the health issues with 1.7

1 million having respiratory attacks and 6500 deaths
2 attributed to air pollution. And this also impacts our
3 economy.

4 Hydrogen would help us have a sustainable fuel
5 supply. It promotes new technology developments and
6 innovation in transportation. And it also leads to a
7 diversity of feed stocks. So we wouldn't be dependant on
8 one source of oil or one source of energy. And it would
9 be something that we could get from our own country, our
10 own state. So we also would look at renewable energy use.
11 So that would be a benefit as well. So there are a lot of
12 reasons to look at a hydrogen future.

13 Next slide, please.

14 --o0o--

15 MS. KASPER: So a little bit about the California
16 Hydrogen Highway Blueprint Plan. Executive Order S-7-04
17 was formed and signed by the Governor in April of 2004.
18 The Blueprint Plan was developed in consultation with a
19 21-member advisory panel and had extensive input from over
20 200 experts. And it resulted in a report to the Governor
21 and Legislature from the Executive Order Team, and we had
22 a number of reports looking at a bunch of issues around
23 hydrogen, including societal benefits, a way to roll out
24 the hydrogen highway, looking at economics,
25 implementation, and public education.

1 Next slide, please.

2 --o0o--

3 MS. KASPER: So here's the mission of the
4 hydrogen highway: Is to assure that the hydrogen
5 infrastructure is in place to enable fuel cells and other
6 hydrogen technologies to be used by consumers as those
7 technologies reach commercial readiness.

8 The California highway network is a key part of
9 California's strategy to achieve the state's vision of a
10 secure energy future that simultaneously addresses our
11 environmental, public health, and economic challenges
12 working in partnership with other components of the
13 state's programs to advance energy efficiency and
14 renewable energy. That's from the Blueprint Plan.

15 So the next slide, please.

16 --o0o--

17 MS. KASPER: The Blue Print Plan findings were
18 that we should take a phased approach to infrastructure
19 implementation. So we need to start out with some small
20 numbers and build up as the technology matures and as
21 there are more vehicles on the road. So we need to take a
22 phased approach.

23 Next we need to be explicit about the
24 environmental goals. We need to work to achieve the
25 environmental goals as we move forward with the hydrogen

1 highway.

2 And next, that it needs to have a shared risk.
3 There isn't one sector that can take on all the risk. It
4 needs to be shared between government, industry,
5 environmental groups. It needs to be a shared risk
6 between energy providers as we move forward.

7 So those were the Blueprint Plan findings.

8 And next is a table that shows how we would work
9 on this phased approach.

10 --o0o--

11 MS. KASPER: It talks about in the first years
12 we'd have about 50 to 100 stations and then moving to
13 greater numbers of stations over time. So this put in
14 some goals and some philosophy of how we move forward with
15 this plan.

16 And the next slide shows just the vision of how
17 we'd work in major cities to increase the number of
18 stations. And then as we increase those stations, we'd
19 form a network to link the major cities in California so
20 that the cars could move along the highway and have free
21 range to be fueled throughout California. This is like a
22 long-term vision.

23 So how do we start to achieve and implement this
24 vision?

25 Next slide, please.

1 --o0o--

2 MS. KASPER: In July, the Governor signed Senate
3 Bill 76, which provided \$6 1/2 million for state sponsored
4 hydrogen demonstration projects. So that funding is
5 through 2007 -- January 1st, 2007. And what this states
6 is that we must establish up to three hydrogen fueling
7 station demonstration projects, and that we'll lease
8 hydrogen vehicles -- lease or purchase hydrogen vehicles.
9 And it also discusses some hydrogen fuel specifications
10 that need to be developed, and it explicitly states our
11 environmental goals. So I'll go into a little bit more
12 detail about that.

13 Next slide, please.

14 --o0o--

15 MS. KASPER: So here are some requirements for
16 the stations. They must have public access so they can be
17 used by a number of vehicles and a number of users. They
18 must be available convenient hours. They must enhance the
19 existing stations that are out there that are already part
20 of the hydrogen highway network.

21 We want to see innovative design, things that are
22 new and move us forward with this technology. And they
23 must be able to dispense hydrogen fuel for fuel cell
24 vehicles as well as internal combustion engine vehicles.
25 We see both types of cars being part of the future in the

1 near term.

2 Next slide, please.

3 --o0o--

4 MS. KASPER: So this just gives you an idea from
5 the Blue Print, has some of the partners that, as we move
6 forward, who we'd want to partner with to look at fueling
7 stations. So they'd probably be in areas that already
8 have fuel or fueling stations.

9 Next slide, please.

10 --o0o--

11 MS. KASPER: Now I'll talk about our
12 environmental goals for this implementation. So our goals
13 have a 30 percent reduction in greenhouse gas emissions
14 relative to current year vehicles. A 33 percent
15 production of the hydrogen needs to come from new
16 renewable sources.

17 COMMITTEE MEMBER LYOU: Is that a goal or
18 requirement?

19 MS. KASPER: It's a goal.

20 MR. EMMETT: The 33 is a requirement.

21 MS. KASPER: Thanks. The 33 is a requirement.
22 That's fine.

23 The 33 percent from new renewable sources is a
24 requirement. There must be no increase in toxic or
25 criteria pollutants in the use of renewable hydrogen

1 generation or energy station concept for electricity
2 production. And in addition to renewables for the
3 hydrogen for the fuel cell cars, we'd use it for energy or
4 electricity production as well.

5 Next slide.

6 --o0o--

7 MS. KASPER: This just talks a little bit about
8 the vehicles. We're going to lease or purchase up to
9 twelve hydrogen vehicles. We are looking for a diverse
10 fleet of vehicles from different manufacturers, including
11 fuel cells and internal combustion engines. And we're
12 also going to include two hydrogen shuttle buses that can
13 be used for airports or universities. So this is kind of
14 matching the stations with the cars so that we have cars
15 out there that can use the hydrogen stations.

16 Next slide.

17 --o0o--

18 MS. KASPER: There's also language -- and it's
19 important to us that we do work with environmental justice
20 communities and ensure that we do not have any adverse
21 impacts. So we will include buffer zones with sensitive
22 receptors as we look at where we're going to site these
23 stations. We would mitigate any adverse impact to
24 affected neighborhoods.

25 We're here today, and we want to continue getting

1 input from the CEJAC. We are going to be, as we move
2 forward, consistent with the guidelines in the ARB's Air
3 Quality and Land Use Handbook. And we want to meet with
4 local community groups and provide much opportunity as we
5 forward move forward for input.

6 --o0o--

7 MS. KASPER: So here's a little bit about the
8 public process. The way we're going to be putting in
9 these stations is through a public bid process. So we're
10 going to put out a Request for Proposal with certain
11 criteria and score the different bids and then choose the
12 ones that work the best for us, that meet our goals. So
13 we're going to have a public bid process.

14 We're also -- as we do that process, we're going
15 to get input from this Committee on siting criteria and
16 involve you throughout the whole process. We also are
17 going to have three public workshops which are coming up
18 the end of this month and next month. And we need to have
19 a 30-day comment period specifically on the bid criteria.

20 --o0o--

21 MS. KASPER: So here's a little bit just the
22 dates of our upcoming public workshops. On October 28th
23 in Sacramento. November 1st, we're going to be in Fresno
24 in the evening. And then the next day, we're going to
25 have a meeting in -- we're going to be in Fresno during

1 the day and in the evening. And then November 2nd, just
2 an evening meeting in downtown L.A. or somewhere in
3 Los Angeles. And then on November 3rd, we're going to
4 have a meeting in El Monte.

5 --o0o--

6 MS. KASPER: So any of you are welcome to join us
7 on any of these public workshops.

8 So what we see this Committee's role as in the
9 process, is we want to solicit your input on appropriate
10 station siting criteria, the location of the fueling
11 stations, and the location of the hydrogen production
12 facilities. We were thinking that it might be a good idea
13 to even invite -- and hopefully somebody here can be a
14 part of our review team. So that as we get the proposals,
15 someone can help us review the bids and help us select
16 which facilities or which bidders would be the best for
17 putting in the hydrogen station.

18 So, again, we're going to be consistent with the
19 guidelines of the ARB's Air Quality and Land Use Handbook,
20 and then we want to continue to provide updates to this
21 Committee. And I would love input if you see other ways
22 that you could be involved that we haven't thought of.
23 We're open to hear those and include them.

24 --o0o--

25 MS. KASPER: So a few notes on our next steps.

1 Here we are today on October 6th, and we're talking about
2 a tour of the partnership. But we hope maybe at a future
3 date we can do some tour up here in Northern California of
4 the Fuel Cell Partnership. They have some vehicles and
5 are working together on development of fuel cell cars and
6 hydrogen.

7 And then in late October, we want to provide the
8 Committee with draft siting criteria for our Request for
9 Proposal so that you can review that. And then in
10 mid-November we need to secure a date. We want to have a
11 tour of hydrogen stations in the Los Angeles area and then
12 have a meeting to receive your input on our siting
13 criteria.

14 --o0o--

15 MS. KASPER: And then here's just some next steps
16 for our Request for Proposal. We plan to mail that out --
17 in taking your comments into consideration and those from
18 the public workshops, mail something out in mid-December
19 and receive bids by early March, and hopefully work with
20 some people here to review those bids, and then make a
21 selection in early April to then begin implementation.

22 --o0o--

23 MS. KASPER: And then we also have some reporting
24 requirements. We have to report to the Legislature every
25 six months. And we have a report we're going to provide

1 to them by December 31st, 2006. And this report will
2 include the activity in other states, siting criteria, and
3 where we have actually decided to site the hydrogen
4 stations. We're going to talk about environmental impacts
5 to communities and business activities and impacts.

6 --o0o--

7 MS. KASPER: And we are working with the
8 California Fuel Cell Partnership and the Stationary Fuel
9 Cell Collaborative, which already have for a number of
10 years been working in this area, so we don't want to start
11 inventing things from scratch. We are going to build upon
12 what's already been done and work towards implementation
13 of these stations.

14 And then just a little bit about -- next slide,
15 please.

16 --o0o--

17 MS. KASPER: Things we're doing today. This is a
18 long-term vision, but we do have programs in place that
19 promote near-term technologies like hybrid vehicles
20 through our zero emission vehicle regulation and very
21 green gasoline cars, partial zero emission vehicles, and
22 advanced transportation PZEVs. And just a little plug for
23 our website for people to buy -- if they're looking for
24 clean cars, driveclean.ca.gov.

25 --o0o--

1 MS. KASPER: So our goal is clean air every day
2 and to control emissions from today's technologies, and
3 then look towards the future of having zero emission
4 technologies.

5 --o0o--

6 MS. KASPER: And with that, I'd like to turn it
7 over to Jason Mark who's going to give a very brief
8 presentation on the environmental viability of hydrogen.
9 I think he has some really great information for you.

10 CO-CHAIRPERSON ALLEN: Don't leave. There may be
11 questions.

12 MR. MARK: Thanks very much, Lisa.

13 While we're getting set up, let me introduce
14 myself. Jason Mark, I'm the Director of the Vehicle's
15 Program at the Union of Concerned Scientists. And UCS is
16 probably not a household name to many of you. Let me
17 briefly say that it's a 36-year-old nonprofit public
18 interest organization that does a mixture of research with
19 the scientific community and academics as well as some
20 policy work. We are active here in California and have
21 worked on vehicle technologies for about 15 years in this
22 state and on policies.

23 So with that as an introduction, I want to
24 emphasize I'm going to be giving you an external
25 perspective on the viability of hydrogen in California,

1 and really from the perspective of what this might mean
2 from an environmental community viewpoint.

3 So if I can have the next slide.

4 --o0o--

5 MR. MARK: I want to emphasize first and foremost
6 that hydrogen is not a short-term silver bullet. There
7 are many other strategies that are essential to providing
8 relief from the transportation challenges posed by our
9 motor vehicle sector in California. Obviously, when it
10 comes to global warming relief or even cost relief, the
11 state's landmark global warming tailpipe standards are
12 excellent for a start. They're going to save Californians
13 well over \$10 million at the pump over the next decade, as
14 well as slashing greenhouse gas emissions. The Air
15 Resources Board Diesel Risk Reduction Plan is essential
16 for providing protection from toxic emissions in the state
17 of California moving forward as well as some of the
18 funding programs.

19 That being said, as you look out over the span of
20 10 or 20 or 30 years, the sort of transportation choices
21 that our children are going to be making, hydrogen could
22 play an absolutely essential role. And it is one of
23 perhaps two, maybe three, long-term strategies that make a
24 whole lot of sense, as I hope you'll see in just a couple
25 slides.

1 Let me just say as we think about this
2 transition, I think a modest investment today in a
3 hydrogen future is absolutely necessary if you think of
4 the 120, 125 years of this sort of technological cartel
5 that is the use of oil and the internal combustion engine.
6 Getting off of that strategy and moving toward
7 alternatives is going to take a considerable amount of
8 time. So it's smart investments today make some sense.

9 But let me focus in on the environmental
10 performance. If I can have the next slide, please.

11 --o0o--

12 MR. MARK: I want to start with global warming
13 pollution. These are emissions associated with everything
14 from soups to nuts, or as we call it, well to wheels.
15 This is the emissions from oil drilling, from oil
16 refinery, from transport, from the local gas station, all
17 the way through the vehicle end use.

18 And what I've done here is taken emission
19 estimates that were actually created for the Hydrogen
20 Highway Blueprint. These compare well to the rest of the
21 literature looking at over ten years of research in this
22 area. These are quite consistent, but specific to
23 California, which is important for this context.

24 And so what I've done is taken the emissions
25 results and just normalized them. So I made them relative

1 to the gasoline car of today. So the black bar on the
2 left is the base case, the gasoline car. And you can see
3 a hybrid vehicle might deliver on the order of a 25 to 30
4 percent reduction in global warming pollution compared to
5 the base case, depending on the efficiency of the vehicle
6 obviously.

7 But now let's move our way to the right on the
8 chart. The next set of bars corresponds to what if you
9 get your hydrogen from the average electricity producer
10 here in California, or the average electron here in
11 California, use that electricity to split water, and make
12 hydrogen at the local filling station. As you can see,
13 whether or not you put hydrogen in a combustion car or a
14 fuel cell car, we're worse off from a global warming
15 pollution perspective, and that's going to be important as
16 we think about the long-term strategies moving forward.

17 The sort of green dream is the next set of bars.
18 That's electricity coming from renewable sources in
19 California. And those two cases perhaps bound the range
20 of possibilities when it comes to using electricity to
21 make hydrogen. A certain increase in mixture of renewable
22 sources could ultimately beat the gasoline vehicle in
23 terms of global warming pollution.

24 And then finally, I want you to take a close look
25 at the bars on the right, because most of the hydrogen

1 today, almost all of it, is made from natural gas in the
2 commercial applications for chemical processes. And most
3 studies -- even at inflated natural gas prices that we
4 have today, most studies suggest that hydrogen for the
5 next decade or so is going to be made from natural gas, or
6 that will be the cheapest pathway.

7 As we think about the cheap fossil fuel
8 short-term strategy for making hydrogen, natural gas is
9 likely our primary option. And as can you see, if you
10 take that natural gas, make hydrogen at your local fueling
11 station, and put it in a fuel cell car, we're talking
12 about a roughly 40 percent reduction in global warming
13 pollution compared to the base vehicle and better than the
14 hybrid car.

15 ADVISORY COMMITTEE MEMBER JAHNS-SOUTHWICK: What
16 do you mean by global warming pollution? What emissions
17 exactly?

18 MR. MARK: Sure. So global warming pollution is
19 the heat trapping gasses that over the last century plus
20 have been warming the globe several degrees at this point.
21 So we're talking about carbon dioxide, methane, nitrous
22 oxide as the primary pollutants associated with the
23 transportation sector.

24 So on to smog-forming pollution. That's nitrogen
25 oxides and hydrocarbons that obviously drive ozone levels

1 here in California. The results are fundamentally
2 different. The source of hydrogen matters much less in
3 terms of the relative impacts. Obviously, renewable
4 sources, electricity, are cleaner.

5 But just starting out on the right-hand side
6 here, the natural gas to hydrogen pathway, if you put that
7 hydrogen in a fuel cell car, we're talking about a 96
8 percent reduction in smog forming pollutants in California
9 compared to today's case, and far better than the best and
10 cleanest combustion cars in the world that are on the road
11 today in California, which is the hybrid car, the arrow on
12 the left-hand side. So the point being, there are
13 dramatic reductions. This is really the case for hydrogen
14 from an air pollution perspective.

15 But one more slide, please. I'm going to zero in
16 on --

17 --o0o--

18 MR. MARK: -- toxic sources. Here the data is
19 less robust. And so let me just say that this is not an
20 effort to estimate actual specific toxic emissions where
21 we've speciated them, but that this category of reactive
22 organic gases, ROG, or hydrocarbons, contains most of the
23 toxic emissions that we care about when it comes to mobile
24 sources. This is benzene. This is 1,3 Butadiene. This
25 is acetaldehyde, formaldehyde, the very important

1 carcinogenic in many sources in California.

2 And so just focusing in on the red bars, which is
3 the hydrocarbons, compared to today's gasoline car, the
4 1.0, moving to, for example, hybrid cars, which are
5 incredibly clean -- I apologize for the alphabet soup
6 here -- but these are the cleanest cars required by the
7 state of California, deliver roughly a 20 percent
8 reduction in hydrocarbon emissions. And so we can't
9 specifically say that's a 20 percent reduction in benzene
10 emissions, but that's the family. That's the category of
11 emissions that includes some of these important toxics.

12 But moving out to the right, with the fuel cell
13 system, you can see dramatic reductions that even if we're
14 using what I was earlier characterizing is relatively
15 dirty mixture of electricity in California, we're talking
16 about a 90 percent reduction in hydrocarbon emissions from
17 making hydrogen, and even better if we do it from
18 renewables or natural gas.

19 The particulate matter bar, which is the -- I
20 apologize, I'm color blind -- lightish color bar, let's
21 say.

22 MS. KASPER: Green.

23 MR. MARK: Green. I'll go with green. Thank
24 you, Lisa. You'll see that the results -- turquoise,
25 there you go. The particulate matter bar demonstrates

1 that the electricity to hydrogen case using average
2 electricity in California is problematic from a PM
3 perspective, and that's important. But look again at this
4 sort of dominant cheap strategy, fossil fuel strategy in
5 the near term, natural gas to hydrogen in a fuel cell
6 still is a 70 percent reduction in particulate matter
7 emissions from the local delivery of the fueling -- that's
8 trucks that drive through local neighborhoods. It's the
9 local filling station.

10 So I think the message I want to emphasize here
11 is that early indications suggest that not only are we
12 going to see dramatic smog forming emissions reductions
13 from replacing the local gasoline filling stations in your
14 neighborhoods with hydrogen stations, but also I think the
15 potential for substantial toxic emissions reductions,
16 particularly things like benzene, butadiene, formaldehyde,
17 acetaldehyde. So this is an important story that is sort
18 of lost when we look at the aggregate results, because
19 here we're talking about the very localized impacts of the
20 10,000, 11,000 gas stations around California.

21 So moving on, please.

22 --o0o--

23 MR. MARK: The environmental goals, just going to
24 reiterate some of the numbers that Lisa already
25 articulated. The Blueprint Plan started out with what I

1 would characterize as do no harm, not "not harm." It
2 talks about reducing criteria air pollutants, but doesn't
3 set a quantitative target or goal.

4 And then global warming pollutant reductions of
5 30 percent; 20 percent new renewables. When it went
6 through the Legislature, the funding bill which provided
7 the state or Cal EPA \$6 1/2 million to start building
8 these systems, SB 76, the renewables goal, was
9 strengthened a bit. But these are the types of pieces.

10 And if there's any take-home message I want to
11 emphasize, it's that not all hydrogen is created equal.
12 So it's absolutely essential that we do set environmental
13 goals. I take your point, Joe, that it really should be
14 environmental targets and requirements.

15 So as we think about funding bills moving
16 forward, my perspective is it's absolutely essential to
17 have environmental targets so we ensure that we're guiding
18 investments towards cleaner sources on the average in
19 California. So that's an important take-home message
20 moving forward.

21 And then the last slide --

22 --o0o--

23 MR. MARK: -- which quickly attempts to summarize
24 the points very quickly, there are more immediate
25 solutions available to our transportation challenges in

1 California, absolutely. At the same time, these long-term
2 visions are going to take quite a lot of time to achieve,
3 and it's important that we make investments today. And I
4 think there are smart ways to do that.

5 Most importantly, we have to ensure that our
6 investments, that we're setting up a policy infrastructure
7 so that our investments are delivering on the public the
8 good that hydrogen can achieve. And that means green
9 investing. That means setting environmental performance
10 goals and enforcement to ensure that we're getting to
11 green hydrogen future we've all been talking about.

12 Now I want to emphasize that the short-term
13 strategy even focused on fossil fuels offers tremendous
14 smog-forming pollution benefits as well as global warming
15 benefits. So we need not wait for, sort of, the green
16 environmental dream in order to start making progress and
17 delivering cleaner air in California through hydrogen.

18 Thanks.

19 ADVISORY COMMITTEE MEMBER LEE: I have a question
20 about the presentation.

21 Can you go back three slides? Thank you.

22 This slide, reading it, I would take from it that
23 you're saying that the hybrid vehicle is only 30 percent
24 better than the base-case car for smog-forming pollutants.
25 What are you considering your base-case car?

1 MR. MARK: Base-case car is the average new
2 vehicle sold by 2010 in California, which is an incredibly
3 clean car.

4 The reason why the gap is relatively perhaps
5 smaller than you might expect -- because even in 2010, the
6 tailpipe emissions from a hybrid car are going to be
7 90 percent cleaner than the average vehicle in 2010.

8 The difference here, we're also counting
9 refueling emissions in California, delivery emissions in
10 California. And the important point here -- and this is a
11 strong case for hydrogen. In fact, we've done such an
12 excellent job in controlling and regulating emissions from
13 vehicle tailpipes, that the tailpipe will be becoming much
14 less part of the problem and it's emissions associated
15 with the rest of the oil fuel cycle that are popping out,
16 remain as the significant challenge, especially local
17 refueling emissions. And that's where a switch from fuels
18 really can have a dramatic impact.

19 COMMITTEE MEMBER LEE: Are these slides going to
20 be available to the Committee? Is there any way for that
21 to be noted somehow on these slides, so that someone who
22 is taking a look at them understands the context? Because
23 it's not clear.

24 MR. MARK: If it would be helpful, I'd be more
25 than happy to split the bars up into vehicle emissions,

1 what's coming out of the tailpipe versus what's coming
2 from the rest of it.

3 COMMITTEE MEMBER LYOU: That's 2010, too.

4 COMMITTEE MEMBER LEE: And make it 2010. That
5 would be really helpful.

6 CO-CHAIRPERSON ALLEN: Do we have any more
7 questions for the Committee?

8 ADVISORY COMMITTEE MEMBER CLARK: Yeah.

9 CO-CHAIRPERSON ALLEN: Why don't you put your
10 cards up, and that way we can -- I can -- Dr. Clark.

11 ALTERNATE ADVISORY COMMITTEE MEMBER GREENE: Even
12 more so, I think if you had a notes page or some kind of
13 bit of background on the key slides, because that is a
14 very important point that you made about the refueling and
15 the infrastructure that is lost in the system. And we can
16 help put that information out. It's important for
17 districts to know that information.

18 ADVISORY COMMITTEE MEMBER CLARK: Did I
19 understand you to say that 33 percent of the hydrogen
20 would be produced from renewables?

21 MS. KASPER: New renewables.

22 ADVISORY COMMITTEE MEMBER CLARK: So in terms of
23 that particular process, is there some time frame for that
24 process to happen as you also produce the hydrogen from
25 other sources of natural gas as you indicated?

1 MS. KASPER: Right now we're starting -- the goal
2 would be three stations that we are going to fund. We
3 would make sure that on an aggregate the 33 percent of the
4 energy -- the hydrogen produced comes from new renewables.
5 And then as the network expands, we have to come up with
6 ways to ensure that we continue to meet that goal as new
7 stations come on.

8 ADVISORY COMMITTEE MEMBER CLARK: Well, my
9 concern is that, you know, the renewable -- the hydrogen
10 production from renewable sources don't end up trailing
11 behind or getting forgotten, you know, or we've been
12 talking about renewable energy sources going back to the
13 early '60s. And renewable energy is part of -- the total
14 is quite low at this particular point. So we really
15 haven't been giving the focus and the attention it really
16 should have. And I would hate for that same type of
17 thinking to happen in this process.

18 MS. KASPER: We'll do what we can with these
19 three stations. And then hopefully in the future, if
20 there's some other findings like statutes that can help
21 give us the authority to continue to ensure that there's
22 that 33 percent or some sort of renewable included in the
23 network, we'll do that.

24 CO-CHAIRPERSON ALLEN: Joe.

25 ADVISORY COMMITTEE MEMBER LYOU: Can you go

1 forward one slide, please? The other forward. Toward the
2 end. Yeah, there.

3 Now, that's -- Jason, that's the toxic sources,
4 local delivery and refueling emissions. So that doesn't
5 consider what potential toxic impacts may be around power
6 generating facilities like coal burning power plants.

7 MR. MARKS: No. Those would be -- local delivery
8 and refueling, those would be included in the electricity
9 bar. That's why particulate matter is 2.6 times higher if
10 you're using the California average.

11 ADVISORY COMMITTEE MEMBER LYOU: I mean, that's
12 confusing to me. I thought the local delivery and
13 refueling emissions would be for the local toxic impacts,
14 not general toxic impacts.

15 MR. MARKS: Let me include that in the notes when
16 I send them. I think the suggestion over here was a good
17 one.

18 ADVISORY COMMITTEE MEMBER LYOU: I'm reading the
19 bill and this issue of whether it's a requirement or a
20 goal. And I mean, I'm not an attorney, but this actually
21 is a little confusing. It appears to me it's actually not
22 a requirement. But leave it to the Legislature.

23 "The activities funded pursuant to this section
24 shall contribute to the achievement of the following
25 energy and environmental goals by 2010." So it's a

1 requirement that they shall contribute to the goal, which
2 I'm not sure that's a requirement. So it's a little
3 confusing, and I can see where that can trip everybody up.

4 And I think I would encourage the Legislature,
5 when it does its next appropriation of money, to more
6 specifically adopt a requirement instead of a goal.

7 CO-CHAIRPERSON ALLEN: Brenda.

8 I'm sorry.

9 ADVISORY COMMITTEE MEMBER LYOU: I have two more
10 things.

11 There's a provision that says there shall be
12 no -- in moving toward this goal, there should be no
13 increase in toxics or smog forming emissions. But I don't
14 see in here anything that for environmental justice
15 perspective protects against disproportionate burdens or
16 making sure that the benefits provide relief to the most
17 impacted communities. So I would hope that in developing
18 the program that you make sure that there are no
19 disproportionate adverse impacts, and in addition also
20 that the benefits of the pollution reductions are enjoyed
21 primarily by those most impacted.

22 And then I'm not clear on what the environmental
23 impacts of hydrogen production, or as Jason said, making
24 hydrogen, which I think is not actually the right term. I
25 mean, I guess creating usable hydrogen or something along

1 those terms -- I don't know how you actually do the
2 terminology properly, but hydrogen is the most abundant
3 thing in the universe, so we're not really making it.

4 I'm not sure what the environmental impacts of
5 hydrogen "production" are. And it wasn't clear to me in
6 either of the presentations exactly what the problems may
7 be. I know that natural gas had may be hydrogen sulfur
8 pah's, issues like that. You have -- obviously with
9 hydrogen, you have accident scenarios, potential hazards.
10 Can you maybe just briefly summarize what some of those
11 environmental impacts that might occur would be?

12 MR. MARKS: I'll start. Feel free to chip in.

13 Again, I think it comes back to the source of it.
14 So obviously if you imagine you're in Chicago and you're
15 using the region's either nuclear or coal-fired power
16 plants to produce your hydrogen, which you would be
17 splitting water. And as you quite correctly point out,
18 liberating the hydrogen from the H2O molecules, then
19 obviously the adverse impacts could be significant.

20 As I think I tried to point out, even here in
21 California, there could be dirty ways to make hydrogen
22 through all of these systems. But I think as you go
23 through an accounting of some of the key issues, toxics,
24 smog-forming pollutants and greenhouse gasses, that many
25 of the pathways offer advantages, some of them

1 disadvantages. So, again, back to the point of making
2 sure we have pretty clear targets.

3 CO-CHAIRPERSON ALLEN: Brenda.

4 ADVISORY COMMITTEE MEMBER JAHNS-SOUTHWICK: I had
5 the same question that Joe just asked, is that question.
6 And I guess I'd like more clarification, because you have
7 the Legislature talking about buffer zones between station
8 location and sensitive receptors. So obviously there's
9 some expectation of fairly significant environmental
10 impacts. And what you just said doesn't jive with that.
11 Can you be a little more specific?

12 MS. KASPER: I'll try to answer that.

13 I imagine -- it's still a fueling station. It's
14 still a gaseous substance. Just like gasoline today, you
15 have to be cautious and careful with it. There are, you
16 know, safety -- even though it's as safe as gasoline,
17 gasoline has safety issues just like hydrogen fuel is
18 going to have safety issues. So we want to be
19 conservative.

20 We don't want to put a hydrogen station next to a
21 school, next to a day care. We want to make sure we -- if
22 you're putting in a new gas station, you want to make sure
23 these things have a buffer zone between them and a
24 sensitive receptor. So I think that's the reason that was
25 put in there. It is still a fuel, a combustible fuel.

1 Does that help?

2 ADVISORY COMMITTEE MEMBER JAHNS-SOUTHWICK: Yes,
3 thank you.

4 CO-CHAIRPERSON ALLEN: Martha.

5 ALTERNATE ADVISORY COMMITTEE MEMBER ARGUELLO:
6 What are you defining as renewable? And how much of this
7 is going to come from some of our neighboring states? So,
8 for example, in Los Angeles, we have no coal fire power
9 plants, per se. But we buy a lot of our electricity from
10 coal fired power plants. And there's no discussion about
11 increased mercury omissions or radioactive waste. I'm a
12 little concerned about that. And how are you going to
13 define renewables?

14 MS. KASPER: We're looking at several different
15 definitions of renewable. We're still in the process of
16 deciding that. The Energy Commission has a definition.
17 The public utility does. And so we're still looking at
18 the definition. And so any input that we can get as we do
19 do work on that we'd welcome.

20 I don't know if I have any answers to your other
21 questions.

22 Ensuring that out of state, do you have any
23 comments on that?

24 MR. MARK: Well, these numbers, to be clear,
25 focused -- at least the smog-forming pollution numbers

1 include only California emissions. And so imports are a
2 significant concern. And it's absolutely essential as we
3 think about the environmental targets that we take as
4 broad a perspective as possible so we're not just passing
5 on the burden to folks in other regions.

6 ALTERNATE ADVISORY COMMITTEE MEMBER ARQUELLO:

7 Eventually, we'll also have the mercury burden, too, so --

8 CO-CHAIRPERSON ALLEN: I think we have Henry and
9 David.

10 ADVISORY COMMITTEE MEMBER CLARK: Do you have any
11 data on emissions or problems of any fueling stations that
12 are in existence now?

13 MS. KASPER: No. We don't have any emission
14 data, and we haven't had any problems. But we don't have
15 that kind of data right now that I'm aware of. Maybe we
16 do. I just need to look into it.

17 MR. MARKS: Some of the estimates that are built
18 into the societal benefits report that I reference here,
19 I'm using here as a basis, are based on test data for some
20 of these example of natural gas to hydrogen stations. So
21 you get a sense from that. Obviously, electricity
22 emissions are fairly well characterized, at least the
23 dominant ones are fairly well characterized in California
24 for existing sources.

25 But whether or not, you know, there's -- if

1 you're asking the question whether or not there's a
2 continuous monitoring program in place for some of the
3 fossil-based hydrogen stations in California, I think
4 answer is no.

5 ADVISORY COMMITTEE MEMBER CLARK: Some of the
6 concerns that community people have with regard to
7 hydrogen and hydrogen fueling stations, you know, the
8 fears of fires and explosions and all those other concerns
9 that people have, you don't know or have any data at this
10 point in terms of whether any of those fears or concerns
11 have actually materialized anywhere there's a hydrogen
12 fueling station?

13 MR. MARK: Knock on wood, there has not been a
14 significant safety issue presented around hydrogen on that
15 topic. My sense is that one needs to be very careful, as
16 you would be with building a gasoline station. Safety
17 concerns are significant around hydrogen. They're
18 significant around gasoline. They're significant around
19 any fuel. And good engineering and good compliance has to
20 be built into the siting strategy.

21 When it comes to emission sources, my sense is
22 that, on balance, hydrogen stations are going to deliver
23 substantial local community benefits when it comes to key
24 sources of toxics and smog-forming pollutants compared to
25 the gasoline.

1 MS. KASPER: I just want to mention the tour we
2 do in November will address the safety. We want to have
3 an expert there to address any of your questions.

4 CO-CHAIRPERSON ALLEN: We have questions from
5 David, and I'm going to wrap up with the number of
6 questions and then move on to the next agenda item.

7 ADVISORY COMMITTEE MEMBER ARRIETA: Can you go
8 back to the schedule slide? The slide showed I think you
9 said in December a game plan to have the program pretty
10 well advanced to having -- no. The one, release an RFP by
11 mid-December receive bids by March. You must have some
12 ideas as to what you're going to be doing if you're going
13 to release an RFP pretty soon.

14 You showed some potential partnerships that
15 you're looking at, the universities, the airports, those
16 kinds of things. You also probably have looked at is your
17 fueling station going to be a hydrogen generation station,
18 or is it going to be a hydrogen storage station that's
19 more of a service station kind of exercise, which, you
20 know, changes the dynamics of the environmental impacts
21 quite a bit.

22 So you should have some thinking on all that
23 stuff by now if you're going to have an RFP produced by
24 December. What's the game plan? Who have you talked to
25 about partnership programs, you know? U.C. Davis seems

1 like a logical place to put one of these things since they
2 seemed to have the expertise in the Hydrogen
3 Transportation Fuel Program. They're probably the most
4 advanced in the world at Davis. So, you know, that's one
5 place that I would put one there. But you must have some
6 ideas on what the game plan is if you're going to do
7 something by December, because it's already middle of
8 October.

9 MS. KASPER: Right. Well, the RFP is going to
10 talk about criteria, but it's not going to be specific as
11 to fuel delivery or fuel storage. It's going to be open
12 so people can present their ideas to us and we can choose
13 which one we like the most.

14 The partners that were included in the Blueprint
15 Plan as suggested partners, so there might be benefits to
16 going with the university. But then there may be
17 disbenefits. We want a station that's public, appears to
18 be something that somebody can drive up to, and consumer
19 friendly. Not really that looks like a test or a
20 prototype. So U.C. Davis, they have a station right now
21 and it's part of the hydrogen highway network, but it's
22 not totally maybe public. So we want to -- with these
23 three stations, we want to be state-of-the-art and really
24 show what the future can hold for consumers and for --

25 ADVISORY COMMITTEE MEMBER ARRIETA: Do you know

1 what kind of station it is?

2 MS. KASPER: A little. I've been there.

3 ADVISORY COMMITTEE MEMBER ARRIETA: Is it a
4 hydrogen producing station or hydrogen storage station?

5 MS. KASPER: I believe hydrogen storage station.

6 And, you know, we can do tours of that station.
7 I think the stations we have down in Southern California
8 will show you both types of options as well, like on site
9 and a hydrogen storage and a hydrogen production. We're
10 looking at one that might not use renewables and one that
11 does use significant renewables. We want to show those
12 stations to you.

13 But we have ideas, but we really are open to what
14 the bidders can show us and what they can do for us.

15 CO-CHAIRPERSON ALLEN: I just have a number of
16 questions, and then we'll wrap up with this, and I was
17 holding mine until last.

18 So you are going to make all this available to
19 the community members?

20 MS. KASPER: Yes.

21 CO-CHAIRPERSON ALLEN: The second question that I
22 have --

23 CALEPA DEPUTY SECRETARY PRASAD: Maybe the
24 audience also would like to have some, to make sure to
25 make some available at the table outside.

1 MS. KASPER: Okay. So we'll make some copies and
2 leave them out on the table so you guys can pick them up.
3 They won't include maybe all your suggestions today, but
4 we can make sure we do that.

5 CO-CHAIRPERSON ALLEN: The second question I
6 have, I thought as you were going through the
7 presentation, and sort of some of the Committee members
8 sort of touched on it, are you planning to do CEQA on this
9 program?

10 MS. KASPER: I imagine any station that's sited,
11 they're going to need to get the permits for the local
12 area and go through CEQA, go through any process that
13 they'd go through for building a facility like this. So,
14 yes, I imagine CEQA --

15 CO-CHAIRPERSON ALLEN: So the CEQA would be done
16 at that level, and not a programmatic CEQA for the state's
17 project?

18 MS. KASPER: I don't know enough about CEQA to
19 probably answer your question directly.

20 CO-CHAIRPERSON ALLEN: I think it gets to the
21 issue of what are the actual environmental impacts
22 associated with this, and wondering whether there's going
23 to be a document that discloses that and gets input on it.

24 MS. KASPER: I'm sure -- we can probably include
25 that in the RFP as a requirement, too, they do that.

1 Another thing I'd like to say, right now we don't
2 know where the stations are going to be and we want your
3 input on siting criteria. But once we choose stations, we
4 want to have a process that the local community can see
5 the impacts. And we want to do some outreach. Once we
6 say it's going to be on this corner, we want to get input
7 and educate the community so that we do the station --
8 once we pick it, we want to do it right.

9 CO-CHAIRPERSON ALLEN: Two more questions.

10 The third question is really this issue of the
11 deployment strategy. We talk about siting fueling
12 stations. We don't necessarily talk about the use of the
13 vehicle, and is it an opportunity for an environmental
14 justice community to perhaps maybe have a siting station
15 but also have a vehicle they can use in their communities.
16 Because I think if you are really wanting to target EJ
17 communities, because this is an EJ Committee, you need to
18 look at your deployment strategy in terms of this.
19 Because what I would not like to see is having all of the
20 fueling stations or some of them, majority of them in EJ
21 communities and not have any vehicles there. So I think
22 that you need to look at that.

23 And then the last one is really with regards to
24 you mentioning the input of this Committee. How do you
25 see that role? Are you going to come back next month? Is

1 this a status report, so that we can, you know, be
2 preparing the agenda items for future things regarding
3 this.

4 MS. KASPER: Yeah. Our goal is to provide the
5 draft siting criteria to the Committee by -- well, I was
6 thinking mid to late October then so that everyone has an
7 opportunity to review it and then provide us comments at
8 the November meeting. So we will update the Committee on
9 what we've done to date and then get your comments so we
10 can incorporate them into the Request for Proposal before
11 we can mail it out. Does that help?

12 CALEPA DEPUTY SECRETARY PRASAD: So when you say
13 you'll provide it to the Committee, that means it will be
14 put on our website because it's an open public meeting,
15 and so that becomes -- so will you be releasing it as a
16 public document and seeking input from the other sources
17 as well?

18 MS. KASPER: Yes, because we will be getting
19 input at the workshops as well. So it will be --

20 CALEPA DEPUTY SECRETARY PRASAD: A public
21 document.

22 MS. KASPER: -- a public document, yeah.

23 CALEPA DEPUTY SECRETARY PRASAD: And it is in
24 this way that actually we sent out an e-mail polling the
25 Committee, when it would be feasible to meet, to meet that

1 deadline. So we polled the Committee for 9 and 15. So
2 I'd like the Committee to get their opinions what dates
3 are acceptable to about eleven members so we do have a
4 quorum for both days. And the Co-Chairs had indicated
5 some discussion on the level on which this Committee would
6 like to be involved and so on, so it's time to open up on
7 that discussion.

8 CO-CHAIRPERSON ALLEN: Okay. With that, we'd
9 like to thank you for your presentation.

10 MS. KASPER: Do you want to just let us know
11 or --

12 CO-CHAIRPERSON ALLEN: I guess we can open it up
13 to the Committee for a brief discussion on the Committee's
14 roll and what you want to do with this agenda item that
15 has been brought forward.

16 ADVISORY COMMITTEE MEMBER LYOU: Madam Chair,
17 should we take public comment?

18 ADVISORY COMMITTEE MEMBER CLARK: A point of
19 clarification. So what is the Committee being asked to
20 do? You want what, a motion of support, or what are you
21 asking for?

22 MS. KASPER: Well, we're going to put together
23 criteria for siting the station, like different locations,
24 maybe regions, talk about the sensitive receptors, talk
25 about hydrogen production facilities, different, like,

1 substantial criteria for where people would bid on having
2 a station. And we would want you to comment on that,
3 maybe provide your input on whether that criteria makes
4 sense from your perspective.

5 ADVISORY COMMITTEE MEMBER CLARK: But so you're
6 not asking for anything today?

7 MS. KASPER: No. Today was just a briefing to
8 educate you and let you know what we're doing, what our
9 plans are, and hoped to get input by November.
10 Either November, I guess, 9th or November 15th.

11 CO-CHAIRPERSON ALLEN: I guess there's
12 clarification, because input how? Do you want comments?
13 Do you want a formal recommendation? What is it that
14 you're looking for in a subsequent meeting in November or
15 December so that, as the Committee, we can do what we need
16 to do?

17 MS. KASPER: Not a recommend -- a recommendation,
18 but it would be your comments. Maybe we need to change
19 something. Maybe you don't like where we recommended the
20 criteria for siting a station. Maybe you want to see a
21 station in a certain region or --

22 ADVISORY COMMITTEE MEMBER MAGNANI: Would it be a
23 workshop specifically for this Committee to comment?

24 MS. KASPER: Pardon?

25 ADVISORY COMMITTEE MEMBER MAGNANI: Would it be,

1 in essence, a public workshop but geared specifically for
2 this Committee to comment back on? Would that be the best
3 way to describe it?

4 MS. KASPER: Right. The November meeting would
5 be a public forum for you to provide your comments to us.

6 ADVISORY COMMITTEE MEMBER MAGNANI: So you're
7 asking us to pick a date for us to come back and have a
8 forum for us to see another presentation and then comment
9 back.

10 MS. KASPER: A very short presentation. And we
11 want to do the tour that day. We want to do a tour in the
12 morning, visit some hydrogen stations, and then have a
13 meeting where you provide us your formal comments on our
14 siting criteria after you review them.

15 ADVISORY COMMITTEE MEMBER MAGNANI: Would you
16 have a draft RFP, something like a draft RFP?

17 MS. KASPER: It would be something like a draft
18 RFP. It would be different components of an RFP in a
19 draft form. I guess it's because people are going to bid
20 on it, we can't call it a draft RFP. But we're putting
21 together different pieces of it, because it's a public bid
22 process. We -- essentially, draft RFP.

23 ADVISORY COMMITTEE MEMBER LEE: Just a point of
24 clarification. Is this purely discretionary, the
25 Committee's input here? Or is it some statutory

1 requirement we need to meet? What is the basis for the
2 request?

3 MS. KASPER: There is a statutory requirement
4 that we meet with this Committee and get comments on this
5 siting criteria. So there is a statutory requirement.

6 Thank, Barbara.

7 ADVISORY COMMITTEE MEMBER LEE: So at a minimum
8 then we want to make sure we meet the statutory
9 requirement. And that should govern what kind of input we
10 give and when.

11 MS. KASPER: And then we want to continue working
12 beyond that.

13 CALEPA DEPUTY SECRETARY PRASAD: And they have
14 the time line of December 31st to the submission. So we
15 have to do that then.

16 ALTERNATE ADVISORY COMMITTEE MEMBER ARQUELLO: At
17 what point -- there were some questions raised today. At
18 what point do you answer those questions? I think those
19 are really important in terms of some -- just the other
20 criteria and the other parts that are -- have been signed
21 to the law.

22 MS. KASPER: What I'd like is maybe we can try to
23 answer or have a direction or answer for those questions
24 when we give you the draft siting criteria. And if
25 there's something we haven't addressed in the siting

1 criteria, then we can work on that and bring it up again
2 in November and make sure that it's addressed before we
3 sent out the Request for Proposal.

4 CO-CHAIRPERSON ALLEN: Barry.

5 ADVISORY COMMITTEE MEMBER WALLERSTEIN: The
6 statute calls for up to two internal combustion engine
7 vehicles powered by hydrogen and specifically notes that
8 it should be potentially shuttle buses used maybe in a
9 university or airport setting. And given the comments of
10 the Committee, I think it would be a good idea for you to
11 think as you put your project together about being able to
12 use the shuttle buses to help an EJ community in terms of
13 its transportation.

14 MS. KASPER: That's a good idea. Thanks.

15 CO-CHAIRPERSON ALLEN: Diane.

16 CO-CHAIRPERSON TAKVORIAN: Sorry I was late. So
17 forgive me if you've already heard this. But I guess I
18 want to support what I thought David was saying, which is
19 I think it's important for us to -- for this Committee to
20 participate and give input on the siting criteria. But
21 how that siting criteria fits into the overall RFP seems
22 pretty critical. So could we get a commitment that the
23 actual RFP, the draft RFP, would be ready in advance of
24 our November meeting so we could comment on this as well?
25 Because I think that takes into account Barry and Dee's

1 comments in regards to how the vehicles and the stations
2 would be utilized. I mean, I guess for me I'd like to see
3 the siting criteria in the context of the RFP so we see
4 the overall picture.

5 MS. KASPER: Yeah. Definitely. And the station
6 part is going to be separate from the vehicle part. We
7 haven't figured out how we're going to do the vehicle
8 part. We're still working on that. These RFPs are going
9 to just be for the stations, and we'll do something
10 separate for the vehicles, but make sure they merge
11 together. So -- but we would have the draft available.

12 Barry, and maybe you have comments on that
13 approach.

14 ADVISORY COMMITTEE MEMBER WALLERSTEIN: Well, I
15 appreciate how you ended that by saying they have to merge
16 together. Our agency has a little experience in doing
17 this, actually. And you have to have the fuel demand --
18 at least limited fuel demand if you're going to build a
19 station, obviously.

20 MS. KASPER: Yeah. And that would be part of the
21 siting criteria. There would need to be fleets maybe in
22 that region or --

23 ADVISORY COMMITTEE MEMBER WALLERSTEIN: But I'll
24 give you an -- and I'm sorry I wasn't here earlier. I was
25 catching my airplane up here.

1 We're doing a study that is a five-city study
2 plus AQMD where we have taken gasoline powered Priuses and
3 are converting them to run on hydrogen as a hybrid
4 vehicle. And we've partnered with cities and are putting
5 fueling stations at each city, and we have a fueling
6 station at AQMD. Each city is providing five vehicles to
7 be converted, and we're putting up the money for the
8 conversion so that we know when we put the station in
9 there, there's demand for the fuel. We've done other
10 stations, but they've been associated with a company like
11 Toyota where we know again there's going to be demand for
12 the fuel.

13 So I guess one thing I would encourage you to
14 think about is whether you want to, for the purposes of
15 this RFP, maybe put out an RFP that calls for someone to
16 make a team proposal, if you will, one where there is a
17 vehicle component associated with a fueling station
18 component and they put the right partners together to bid
19 on the project.

20 I would also encourage you to, in the spirit of
21 environmental justice and air quality improvement, look at
22 electrolysis and having some sort of maybe solar -- give
23 credit for solar rays that could generate electricity to
24 generate the hydrogen from water as opposed to generating
25 it from natural gas I think would be a positive.

1 And I don't know to what degree these stations
2 you're looking at more of a, if you will, energy station
3 where there is the potential use of the hydrogen for power
4 production. For example, at our facility, we're in the
5 final stages of doing the source tests at our own facility
6 to be able to get an AQMD permit for the hydrogen backup
7 generator that we have now, put it right next to our
8 fueling facility so that the hydrogen from the fueling
9 facility can power a backup generator on hydrogen as
10 opposed to our other alternative fuel backup generator as
11 opposed to a diesel generator.

12 MS. KASPER: Thanks. Those are good suggestions.

13 CO-CHAIRPERSON ALLEN: I thought we had the last
14 question. Joe.

15 ADVISORY COMMITTEE MEMBER LYOU: It's really
16 interesting you're going to be issuing yourself a permit,
17 Barry. You might get some assistance from the technical
18 assistance -- oh, forget it.

19 The statute says that we're supposed to be giving
20 you input on the appropriate siting criteria and location
21 of the hydrogen fueling stations and production
22 facilities. I personally think that the production
23 facilities may be a bigger issue than the fueling
24 stations. So I think we need to be specific as to what
25 kind of recommendations we're supposed to be providing.

1 And at the production facility side of it may be very
2 important, because of, as Jason explained to us, there's
3 good and -- well, polluting and less polluting ways of
4 generating hydrogen.

5 MS. KASPER: And once we have the locations, we
6 want to come back to you and get input, or have input, as
7 we get the bids and are choosing a specific location with
8 the specific production facility. We can maybe continue
9 that input at that level, too.

10 CALEPA DEPUTY SECRETARY PRASAD: You asked
11 actually one or two members of this Committee to be
12 actually part of your review process. So if whoever is
13 interested could let me know, and I'll keep you informed
14 in that process.

15 MS. KASPER: I know everyone's really busy, but
16 it could be really beneficial.

17 CALEPA DEPUTY SECRETARY PRASAD: Or if somebody
18 wants to take on as a small sub-group to work with the
19 staff, that might be another way to deal with it.

20 MS. KASPER: Dr. Prasad, are you going to
21 determine a date later today or --

22 CALEPA DEPUTY SECRETARY PRASAD: Now. The dates
23 provided 9th and 15th, and the Co-Chairs have already
24 indicated the 9th may not be a good day because of the
25 elections and so on. So --

1 MS. KASPER: November 15th.

2 CALEPA DEPUTY SECRETARY PRASAD: We're leaning
3 towards the 15th as the day. And even for the staff it
4 gives adequate time to send out and also for you to review
5 the document.

6 ADVISORY COMMITTEE MEMBER ARRIETA: Is it
7 possible -- Barry's program seems to be very, very
8 advanced. Seems like the \$6 million could really help him
9 a whole lot and help you a whole lot. Why couldn't they
10 get merged, you know?

11 MS. KASPER: Well, they could be a potential
12 bidder on our funding. So we might be able to fund.
13 That's where I think there's a little bit of an issue with
14 like who's on the subcommittee and how we deal with this
15 that maybe we need to address later when we talk to our
16 lawyers and the contract folks, because there's
17 sensitivity to having a public bid and who's participating
18 in developing that RFP. So --

19 ADVISORY COMMITTEE MEMBER LEE: Are you bidding
20 on it, Barry?

21 ADVISORY COMMITTEE MEMBER WALLERSTEIN: We
22 already have our own hydrogen fueling station, so I don't
23 see us bidding on it. In the next year, we will have
24 completed 14 hydrogen fueling stations in the greater
25 Los Angeles area, which is more than anywhere else in the

1 state, to my knowledge.

2 I certainly wouldn't mind some of this money
3 coming someplace else in Southern California. But my gut
4 instincts are if you're only going to do three, I'll be
5 lucky to get one, and the other two will be used to try to
6 better fill out the Governor's vision of a hydrogen
7 highway since we'll already have 14 in Southern
8 California.

9 ADVISORY COMMITTEE MEMBER LEE: The question is
10 maybe you should be the reviewing subcommittee.

11 ADVISORY COMMITTEE MEMBER WALLERSTEIN: My
12 colleague knows I volunteer her for a lot of work at
13 CAPCOA, so I think she's returning the favor. I'll be
14 happy to help review the document.

15 CO-CHAIR ALLEN: Bill.

16 COMMITTEE MEMBER DORSEY: I would just comment
17 that if Barry's got so many facilities that have been
18 sited already that maybe we can learn some from what Barry
19 has done as far as the siting, because it seems like he's
20 already gone through the process. I don't know if he's
21 gone through CEQA for his sites or not, but I mean it
22 appears that we can learn a lot from how he's sited his
23 facilities. And this could help ARB as well.

24 MS. KASPER: We've been in touch with the staff
25 at South Coast AQMD. But sensitive to -- we weren't sure

1 if they might be partnered with somebody who might be
2 bidding. There's something -- some question there about
3 that.

4 But, yeah, we definitely want to use the
5 knowledge from South Coast. They have a lot of
6 experience.

7 CO-CHAIRPERSON ALLEN: Going, going, gone.

8 Thank you very much.

9 MS. KASPER: Thank you.

10 CO-CHAIRPERSON ALLEN: So we're going to look at
11 the next meeting is November 15th. How does that look for
12 Committee members? Shankar will be happy if that works.

13 CALEPA DEPUTY SECRETARY PRASAD: We have 11
14 members, so it's okay.

15 CO-CHAIRPERSON ALLEN: The next meeting will be
16 November 15th.

17 ADVISORY COMMITTEE MEMBER LYOU: Can you check --
18 I'm not sure if my unavailability happened before or after
19 I responded. But I do not believe I'm available on
20 November 15th without making some other accommodations for
21 child care that afternoon.

22 CO-CHAIRPERSON ALLEN: Can you send an alternate?

23 It looks like we have a majority of the Committee
24 that's available on the 15th, so we would appreciate if
25 you can send your alternate and have them briefed.

1 ADVISORY COMMITTEE MEMBER LYOU: Yes. All okay.

2 CO-CHAIR ALLEN: We got it covered. Thank you.

3 Another housekeeping thing before we bring our
4 next presentation. A number Committee members have
5 indicated to me that they need to leave a little bit early
6 today. And we do have some business to take care of this
7 afternoon. How many need to leave before 6:00?

8 Okay. We have five. Perhaps what we might want
9 to do is to, since we need to take action on the
10 Co-Chairs, maybe we can move that up. Can we move that up
11 on the agenda to soon after lunch so we can make sure that
12 all the members are here? Is that okay? So we will move
13 that up. Just make sure that we can have a quorum. I
14 have a vested interest.

15 Our next agenda item is the Klamath River Pilot
16 Project. Beth.

17 CALEPA DEPUTY SECRETARY PRASAD: Thanks, Beth.

18 Just to remind the audience, if there are any
19 tribal representatives coming from that area, they're also
20 welcome to the table with Beth.

21 (Thereupon an overhead presentation was
22 presented as follows.)

23 SWRCB OFFICE OF PUBLIC AFFAIRS CHIEF JINES: Good
24 morning. Thank you for the opportunity to talk about the
25 Klamath Pilot Project with you again. As hopefully you

1 remember from the last meeting, we discussed the pilot
2 project and the Committee did not second the pilot project
3 at that point and asked that I return today and give you
4 an update on where we are on the project and the efforts
5 we have made to include the tribes in the development of
6 the scope of work of that project.

7 Just little bit of background on the project
8 itself.

9 --o0o--

10 SWRCB OFFICE OF PUBLIC AFFAIRS CHIEF JINES: The
11 Klamath River watershed, it begins in Oregon and comes
12 down through Northern California along the Klamath River.
13 And the river actually exits the state into the Pacific
14 Ocean about 50 miles north of Eureka. The Klamath
15 watershed or the Klamath River has pretty much lost its
16 salmon fishery due to a number of things, not the least of
17 which are diversions of water from the river for both
18 agricultural and energy producing projects. They had a
19 very large fish kill, salmon fish kill, in 2002. And I
20 think from the fish counts since then have dropped
21 drastically. There was no commercial salmon fishing
22 allowed this year, I think the Monterey north, because of
23 the loss of this fishery.

24 The loss of the fishery has had an effect on the
25 tribes that live along the Klamath River. They rely on

1 the river both for food as well as cultural and religious
2 activities. What the pilot project is looking at is the
3 effect of the loss of the fishery on the children's
4 environmental health and the outbreak of diseases such as
5 obesity and diabetes.

6 We proposed this project at this point because we
7 have a unique opportunity to possibly do something about
8 the restoration of the fishery. And that is because the
9 relicensing of several -- or two of the hydropower plants
10 that divert water from the Klamath River is ongoing right
11 now. And the State Board has a role in approving some of
12 the aspects of that relicensing.

13 We're also in the process of developing total
14 maximum daily loads for the Klamath River, and we think
15 that some of those will also have a beneficial impact on
16 the river and the restoration of the fishery. Go ahead,
17 yeah. Thanks.

18 --o0o--

19 --o0o--

20 --o0o--

21 SWRCB OFFICE OF PUBLIC AFFAIRS CHIEF JINES: As I
22 mentioned, the project has been selected by the state. It
23 was approved by the CalEPA EJ work group. And now we are
24 back to this Committee looking for your buy-off.

25 Since the last time I was here, what happened was

1 we had a draft pilot scope of the work. The Klamath
2 tribes requested the opportunity to review that pilot
3 project as a group and to provide us with response and a
4 rewrite. They provided us with that at the end of August
5 at a meeting that we held with them in Redding. The
6 meeting was very good, and the nice part of it is that all
7 five tribes were represented. And they are working
8 together, and have since that meeting provided us with
9 another rewrite about a week ago of the pilot project.

10 At the meeting, we talked about the scope and the
11 direction of the project and we're working together to try
12 to come to some agreement. In the latest version that we
13 received, there's probably still a couple of areas'
14 requests that they have made that are not within my
15 authority or the Water Board's authority but we'll have to
16 go to some other committees.

17 One of those requests was that they were
18 interested in a Klamath tribal seat on this Committee. I
19 promised I would pass along that request.

20 Some of the other items that they have put in the
21 rewrite of the proposal which we discussed were
22 recognition of the issue of the transfer of the tribe's
23 economic benefits to other parties is part of the problem
24 with the fishery. They wanted the tribes to be identified
25 as a government rather than a stakeholder in the pilot

1 project. We are revising the work plan to add more tribal
2 data and demographics. And then the tribes have offered
3 to update this information periodically. So our work plan
4 is likely to be a dynamic document and changing as we find
5 some additional information.

6 They asked to coordinate the project with U.S.
7 EPA, and they asked to take the lead role in developing
8 and researching design methods and implementation
9 strategies. And we have also integrated cumulative
10 impacts and the precautionary approaches into both the
11 goals and objectives of this project.

12 The other interesting factor that's going to
13 affect this project is that the Klamath -- the lake at the
14 top of the watershed as well as about 125 miles of
15 watershed are now infected the toxic algae bloom. And we
16 are going to add the potential health effects of that
17 algae bloom as well to what we're looking at in this
18 project.

19 The Water Board and U.S. EPA last Friday put out
20 a warning, a press release, advising people to not swim,
21 drink, or touch basically, people or their animals, any of
22 the water in those stretches of the river and in the lake.
23 If you see an algae bloom, don't go anywhere near it.

24 The toxic algae is called microcystis, and there
25 are special speciations of microcystis. The one that we

1 are finding in that area happens to be the most toxic, and
2 it can cause organ failure and death.

3 We have, to address that issue, established an
4 interagency work group that's looking into the health
5 effects. There's not a lot of health effects known.
6 There's no human health studies we've been able to find.
7 Most of the work we've been done has been based upon rat
8 studies. But we are continuing the search through our
9 Office of Environmental Health Hazard Assessment, and are
10 working with U.S. EPA, Department of Health Services, and
11 our Regional Boards.

12 We had requested that the counties in the area of
13 the stretches of river that are infected by the toxic
14 algae post the river to warn people to stay away. We did
15 not get a lot of cooperation. We did some minimal
16 posting. So our Regional Board is out today along with
17 possibly some of the folks that would have been -- from
18 the tribes that would have been here at this meeting
19 posting the rivers and the reservoirs to warn people to
20 stay away from it.

21 --o0o--

22 SWRCB OFFICE OF PUBLIC AFFAIRS CHIEF JINES: I
23 went through this. The next step is to revise --

24 CALEPA DEPUTY SECRETARY PRASAD: She has a
25 question.

1 ADVISORY COMMITTEE MEMBER LEE: I was just
2 curious. Do you have any idea what the cause of the
3 outbreak is?

4 SWRCB OFFICE OF PUBLIC AFFAIRS CHIEF JINES: The
5 algae has actually been there for about 30 years. I
6 believe there's been outbreaks of it. No one had done any
7 toxicologic sampling.

8 The algae is caused by heat and shallow water.
9 So it again goes back to not enough water to keep the
10 water cold to support the fishery, and the flows are not
11 adequate to keep the algae from growing. And the U.S. EPA
12 has an expert on this, and he has said they are noticing
13 that despite the fact no one had done toxicologic data,
14 they are noticing there is an increase in this particular
15 type of toxin around the United States. And we're also
16 checking to see if there are other areas where we have
17 algae outbreaks that may have this particular toxin in it
18 around the state.

19 The next one.

20 --o0o--

21 SWRCB OFFICE OF PUBLIC AFFAIRS CHIEF JINES: The
22 next steps. The tribes have provided us with additional
23 info --

24 CALEPA DEPUTY SECRETARY PRASAD: She has a
25 question.

1 ADVISORY COMMITTEE MEMBER DEANDA: Has there been
2 any illnesses related to the toxic algae?

3 SWRCB OFFICE OF PUBLIC AFFAIRS CHIEF JINES:
4 They're gathering that data right now. It's so recent
5 that I believe the tribes are actually trying to gather
6 that data to see if there's anything that they've seen
7 lately that's related.

8 ADVISORY COMMITTEE MEMBER DEANDA: So the county
9 is not doing any data or survey at all?

10 SWRCB OFFICE OF PUBLIC AFFAIRS CHIEF JINES: Not
11 that I know of at this point.

12 We're redrafting the -- they redrafted the scope.
13 We're reviewing that right now. We will get back to them
14 in probably the next two weeks with some revisions.

15 What we have decided is that because it's such a
16 large area around Klamath, and it takes somebody a long
17 time to get to wherever the meetings are located in that
18 area -- if we have one in Redding, somebody has to drive
19 six hours. If it's in Eureka, somebody else has to drive
20 six hours. So what we established is an Advisory
21 Committee. We also established a list serve so that we
22 can do most of our revisions and conversations over the
23 e-mail.

24 The next actually face-to-face meeting will be in
25 late October or November. And then additional studies are

1 being conducted by Humboldt State and U.C. Davis and the
2 Native American Health Clinic that will provide us with
3 some data that we can use in our analysis of health
4 effects. And then in addition to that, the OEHHA and
5 Department of Health Services and U.S. EPA are also
6 looking at the microcystis toxins and seeing what
7 potential health effects could come from that in
8 particular.

9 The next one.

10 --o0o--

11 SWRCB OFFICE OF PUBLIC AFFAIRS CHIEF JINES: So
12 in terms of the schedule, we're now in phase two. We're
13 narrowing the scope of work. We've developed the Advisory
14 Committee. The ChERRP will be discussed after we get some
15 of the additional data. It's part of the proposal and
16 then we're also assessing the toxic algae bloom and its
17 affect on the project scope.

18 Do you have any questions?

19 ADVISORY COMMITTEE MEMBER CLARK: Yes. I have a
20 question. In regard to the request by the tribes to be
21 recognized as a government rather than stakeholders, what
22 is the decision on that?

23 SWRCB OFFICE OF PUBLIC AFFAIRS CHIEF JINES: That
24 we will.

25 ADVISORY COMMITTEE MEMBER CLARK: Recognize them

1 as government?

2 SWRCB OFFICE OF PUBLIC AFFAIRS CHIEF JINES: Yes.

3 ADVISORY COMMITTEE MEMBER CLARK: Okay.

4 ADVISORY COMMITTEE MEMBER VOLTURNO: I have a
5 question as well. And that was one of my questions. But
6 I also just was curious -- and I commend you for going
7 back and getting all the tribes together, because I know
8 that's no easy task. So I appreciate that and appreciate
9 you coming back to us.

10 Who was there as tribal representatives? Was it
11 tribal government, or did they delegate somebody or --

12 SWRCB OFFICE OF PUBLIC AFFAIRS CHIEF JINES: It
13 was a mixture. Their environmental staff primarily and
14 then some of the representatives of the government as
15 well.

16 ADVISORY COMMITTEE MEMBER VOLTURNO: So those
17 people that you're meeting with are going to be the same
18 people you'll be meeting with throughout the process?
19 That's going to be your subcommittee?

20 SWRCB OFFICE OF PUBLIC AFFAIRS CHIEF JINES: Yes.
21 And they are having a series of meetings in between our
22 Advisory Committee meetings themselves.

23 ADVISORY COMMITTEE MEMBER VOLTURNO: Okay. And
24 then how is the algae outbreak going to impact your
25 project as a whole? Is that something that you're taking

1 a look at? Because if you reintroduce the salmon and then
2 you have the algae outbreak, is that something you are
3 going to be looking at in the context of your project?

4 SWRCB OFFICE OF PUBLIC AFFAIRS CHIEF JINES: Yes.
5 It will be one of the more cumulative impacts we'll be
6 looking at. We'll want to take a look at what kind of
7 affect the algae has had on the loss of fishery as well
8 so --

9 ADVISORY COMMITTEE MEMBER VOLTURNO: Great.
10 Thank you.

11 SWRCB OFFICE OF PUBLIC AFFAIRS CHIEF JINES: We
12 don't have any fish to sample yet, so we'll have to wait
13 for that.

14 ADVISORY COMMITTEE MEMBER CLARK: One other
15 question. You indicated there were two or so power plants
16 in the area. How long have they been there?

17 SWRCB OFFICE OF PUBLIC AFFAIRS CHIEF JINES: A
18 long time. I'm not sure exactly how long in terms of
19 years, but this is their relicensing which only happens
20 every 50 years.

21 ADVISORY COMMITTEE MEMBER CLARK: Is there any
22 relationship or suspected relationship to the algae bloom?
23 And is there some relationship to the power plants and the
24 use of water from the river and the declining salmon
25 population?

1 SWRCB OFFICE OF PUBLIC AFFAIRS CHIEF JINES:

2 That's been one of our premises, that they're not
3 necessarily related to the algae, but that the diversion
4 of water not only for power production but also for
5 agriculture has led to the shallowing, you know, and the
6 warm waters and the inability to sustain the salmon
7 population. And then it also can add to the growth of the
8 algae. We haven't drawn any specific conclusions related
9 to those diversions, but it's likely that's one of the
10 contributing factors.

11 Well, thank you very much.

12 CO-CHAIRPERSON ALLEN: Thank you.

13 Our next item is from DTSC, and I think the
14 representative is not here yet. So what we're going to do
15 is we're going to just switch the order. And we're going
16 to now take the written updates on the EJ pilot projects.
17 We're also going to allow on this agenda item comments
18 from the public, and I have four cards already on the
19 specific pilot projects. And if there are additional
20 members in the audience who would like to provide me with
21 a card, we'll make sure your comments are heard.

22 So with that, who's going to do this one?

23 There's no presentations, so it's a Committee discussion.
24 But I think we should listen to the public first on the
25 pilot projects.

1 CALEPA DEPUTY SECRETARY PRASAD: Public comment
2 first is Mr. Jesse Marquez.

3 MR. MARQUEZ: We had planned to have the first
4 person do the overall presentation, and the rest of us
5 were going to speak of after that.

6 CO-CHAIR ALLEN: It's comments on the written.
7 No presentation. So you can set the stage.

8 MR. LOGAN: Hello, Committee members.
9 Angelo Logan, with the East Yard Communities for
10 Environmental Justice and the Commerce and East
11 Los Angeles area. So we were assuming there would be some
12 presentation and there would be a little bit of back and
13 forth and discussion regarding the updates on the pilot
14 projects.

15 But being that there's the Southern California
16 ARB pilot projects, one of them being the city of Commerce
17 and some of our colleagues that work in the other two
18 areas, communities in Southern California, we have some
19 concerns in regard to the progress of the pilot projects
20 and the report backs in the way they're framed as well.

21 CO-CHAIRPERSON ALLEN: And this is specifically
22 for the Southern California ones, so all Committee members
23 can be on the same page?

24 MR. LOGAN: Yes.

25 CO-CHAIRPERSON TAKVORIAN: I was just going to

1 ask -- I just wondered if the appropriate staff are in the
2 room. So if we are asking --

3 ARB ENVIRONMENTAL JUSTICE SECTION MANAGER SHRIMP:
4 I can answer questions.

5 CO-CHAIRPERSON TAKVORIAN: Great. So I think we
6 could get -- if you have specific questions that staff can
7 answer. I just want to make sure they were in the room
8 while you're testifying.

9 MR. LOGAN: So I want to make some comments. And
10 we actually have a group of community members and at least
11 two of the pilot projects in Southern California would
12 like to make a proposal. We won't necessarily have any
13 questions, but want to make some comments in regard to the
14 actual pilot projects.

15 Just in review of the updates or the written
16 report, one of the things that it mentions, it talks about
17 in the public participation section that in June 2005
18 there were Local Advisory Group meetings held. And one of
19 the things that we are concerned about is we're unclear
20 what a Local Advisory Group is. And from our perspective
21 these were public meetings that were held, not Local
22 Advisory Groups, which it's going to reflect on what our
23 proposal is.

24 But I also want to -- before I go into the
25 proposal, I also wanted to touch on a couple other things.

1 In regard to the cumulative impacts and the approaches, we
2 feel that just doing assessments and studies of the
3 different area items or issues is not really living up to
4 the potential the pilot projects can be. So the fact that
5 there's all types of assessments, there's no real actions
6 in regard to any type of policy outcomes.

7 And then on the last kind of bullet point under
8 cumulative impacts where it mentions the comprehensive
9 port emission inventory risk assessment and mitigation
10 plan, there is some confusion from the community that
11 there's a pilot project and that in the pilot project
12 they've identified an issue area or project within the
13 local pilot project's ports and internodal facility
14 strategies and plans within the pilot project, so
15 assessing those impacts and implementing some type of plan
16 for mitigation and emission reduction. And the fact that
17 ARB, the lead agency on this particular pilot project, had
18 went into a Memo of Understanding with the rail yard
19 prematurely before conducting any of these assessments or
20 before really coming up with strategies or plans for
21 reductions, so it kind of like circumvents this whole
22 pilot project effort.

23 So that's a major concern for us, is that if
24 that's happening here, you know, it kind of misleads us
25 and also kind of develops a lack of trust in our

1 communities. In one issue area they talk about developing
2 a plan, they circumvent it with a Memo of Understanding is
3 an issue for us. So that's a major concern.

4 Going back to the public participation portion of
5 it, my comments on the Local Advisory Group, as I
6 mentioned earlier, that we're totally confused in regard
7 to what this Local Advisory Group is. There's not been a
8 formation of a Local Advisory Group. And, therefore, we
9 feel that the -- meeting some of the goals that this
10 Committee has set forth would be really difficult to
11 accomplish without any clear direction from -- especially
12 from the guideline number one which is being
13 community-driven.

14 So we have a proposal. And I'm going to -- I
15 think we have some of -- were they passed out? We're
16 going to pass out this proposal. And it's a draft form.
17 And it's very specific to at least the two communities,
18 Wilmington and Commerce. And we'd like to propose it for
19 those communities to be used for guidance in the other
20 pilot projects if those communities see fit.

21 So, basically, we would like to see a more formal
22 development of a LAG, a Local Advisory Group. You know,
23 in the report it talks about they have Local Advisory
24 Group meetings. These are just basically public meetings,
25 and then they've kind of like put together notes on the

1 public comment and said this is what the Local Advisory
2 Group has asked for.

3 We would like to have it developed in a more
4 formal way. We have suggestions for composition of the
5 LAG. We suggest it be made up of eleven voting members;
6 specifically made up of five representatives from the
7 local neighborhoods, which must be local residents; three
8 representatives from environmental health and/or justice
9 organizations; one public health professional; one
10 industrial representative; and one government
11 representative.

12 We feel the function of the LAG, in order to have
13 a clearly defined purpose, the LAG roles and
14 responsibilities should include but not be limited to the
15 following: Define the geographic boundaries of the pilot
16 project; lead the design and implementation of the pilot
17 project activities; make formal proposals for projects and
18 activities to the ARB; work with ARB staff to set the
19 agenda of the LAG meetings, evaluate the progress of the
20 pilot project milestones based on the goals established by
21 CEJAC; and work with ARB staff to present community
22 progress reports.

23 And that's it. Thank you.

24 CO-CHAIRPERSON TAKVORIAN: Are there others that
25 will be presenting on --

1 MR. LOGAN: I think what we're going to have is
2 other folks that will support this proposal.

3 CO-CHAIRPERSON TAKVORIAN: So then we can have a
4 discussion following their presentation.

5 CO-CHAIRPERSON ALLEN: Why don't we have the rest
6 of the cards that I have on this project. And then what
7 we'd like to do is have staff come up and provide any
8 response to some of the issues raised. Thank you.

9 ADVISORY COMMITTEE MEMBER WALLERSTEIN: Can I ask
10 a question?

11 CO-CHAIRPERSON ALLEN: Yes.

12 ADVISORY COMMITTEE MEMBER WALLERSTEIN: What did
13 you have in mind in terms of government representatives?
14 One government representative? Did you envision a city
15 like the city of Commerce, or what did you envision?

16 MR. LOGAN: Yeah. I think that, you know, the
17 governmental representation that would be most proactive
18 like in the city of Commerce, that's real active local
19 elected officials. So that would be appropriate if a
20 local more than a regional, you know, whoever kind of fits
21 the bill.

22 ADVISORY COMMITTEE MEMBER WALLERSTEIN: Angelo,
23 is there a reason you didn't list, since this is in South
24 Coast, the South Coast AQMD, and since South Coast is so
25 active in all the issues associated with these projects

1 and consults with our colleagues at CARB on these issues,
2 did you not want us involved? I'm just curious.

3 MR. LOGAN: No. We felt there was tiers, you
4 know. And you have a lot of involvement in CEJAC. And we
5 thought this is a real localized kind of advisory group,
6 and they are public, you know, public meetings. And we
7 thought that it was more suitable for the local, you know,
8 folks to participate since they're not necessarily able to
9 participate on this level. But I think that whoever kind
10 of steps into that role would be okay.

11 And this is just a proposal. It's a proposal.
12 It's not like --

13 ADVISORY COMMITTEE MEMBER WALLERSTEIN: We have
14 plenty of meetings to go to.

15 ADVISORY COMMITTEE MEMBER MAGNANI: I have a
16 question very similar to Barry's on your industry
17 representative and why there's one when businesses --
18 there's a vast array of businesses that can be potentially
19 impacted. Why there wouldn't be more business
20 representation in your recommendation.

21 MR. LOGAN: Well, I can speak for myself. You
22 know, we feel that business representation has a lot of
23 involvement, has a lot of resources, a lot of time, energy
24 to dedicate towards this, and a lot of times paid staff
25 that can do that in a very influential way. And so to

1 kind of help the balance especially around environmental
2 justice, we felt that we want to find that balance. And
3 that balance was, you know, kind of laid out in this way.

4 ADVISORY COMMITTEE MEMBER MAGNANI: I don't see
5 it as balanced, because if you're including local input,
6 you should have -- it would be my opinion you would have
7 more local businesses who are residing right within the
8 community who could potentially be impacted. So I think
9 you might want to consider that as well.

10 CALEPA DEPUTY SECRETARY PRASAD: Angelo, I want
11 to tell you one point, that I think right at the beginning
12 it was clearly mentioned from ARB -- ARB staff will be
13 responding later. But I want to tell you the point that
14 the Local Advisory Group, they would not be restricted,
15 but would be forming for like an open public meeting.
16 They would not be restricted by who can attend and who
17 will not attend. And that was kind of presented and
18 discussed at an earlier point in time during the last six
19 months period.

20 But here I think we're backwards in that aspect
21 of that discussion again, because it was very clearly
22 mentioned that each pilot has its own objective and its
23 own focus so it will not be a uniform approach of forming
24 a Local Advisory Group. For example, the DPR Local
25 Advisory Group has a different structure, whereas the

1 Water Board has a different structure. And in the
2 discussions with ARB, they said that anybody was welcome,
3 because this issue was in not just one area but was in
4 multitude walks of life. And the residents, they would be
5 kind of having it more as open meetings. So I wanted to
6 comment on that aspect, and ARB staff will talk more about
7 that later.

8 MR. LOGAN: I think we heard that, you know,
9 earlier on. And we kept pushing for something more
10 formal, because -- and as it played out, we feel this is
11 necessary, so we're proposing it. We don't feel there's
12 any real guidance coming from anywhere. So there needs to
13 be some kind of accountability, something that people can
14 say this is what was formally proposed and reflect on it
15 and see if it was -- those proposals were met. And if
16 not, for what purpose and what reasons. And also earlier
17 on I think we were suggesting it would be more formal as
18 you mentioned when it was presented earlier.

19 CALEPA DEPUTY SECRETARY PRASAD: Jesse Marquez.

20 MR. MARQUEZ: Jesse Marquez, Executive Director,
21 Coalition for a Safe Environment. We have membership in
22 15 cities that border the port of L.A., the port of Long
23 Beach, as well as the Alameda Corridor Project. And we're
24 in support of this recommendation. I'd like to provide
25 you some background information as to some of our

1 concerns.

2 The meetings are public meetings, and they are
3 open to anyone. So any industry, any association, any
4 government agency, anyone can attend the meetings.

5 However, it was the original intent of the pilot projects
6 that they be community driven with community concerns.

7 And to give you an example, the Chamber of Commerce, which
8 is made up of local community businesses as well as others
9 within the region, 99 percent of the time votes against
10 community-driven legislation, community-driven regulations
11 at the AQMD level. The railroad industry, the petroleum
12 industry, 99 percent votes against any regulation of air
13 pollutants and toxic contamination of our communities.

14 Therefore, it is the intent of the pilot projects
15 to be able to overcome those overwhelming obstacles by
16 trying to bring forth projects that benefit our community
17 from our perspective. Because oftentimes since we are the
18 residents living there and it's our children and our
19 families that are being impacted, we should have the
20 overriding decision as to what should be done.

21 In the case of Wilmington, we have identified 61
22 toxic pollution sources. Of all 61, each has a
23 representative there, then at the community meetings, we
24 would be outvoted every single time. And that's one of
25 our concerns right there.

1 Another concern was that there are various ARB,
2 EPA, and other government agency projects that are in
3 process. Some are in process now. Others are proposed to
4 begin. We don't want to have any confusion between our
5 originally proposed project and the other existing or
6 other projects that will be kicking in in the near future.
7 Now, we don't mind part of that data or part of that
8 research or part of that project coming under our
9 umbrella, but we didn't want to see that become a priority
10 over our local project, or we don't want to see that given
11 as a credit significant over what we would consider a more
12 significant pilot project at a community level. And
13 that's where our concerns are.

14 Okay. Thank you.

15 CALEPA DEPUTY SECRETARY PRASAD: Shabaka Heru.

16 MR. HERU: Good morning, everyone. My name is
17 Shabaka Heru. I'm with the Community Coalition, an
18 environmental organization in South Los Angeles. And I
19 speak in support of the proposal put before you by Angelo
20 and also co-signed onto by Jesse.

21 In our community, in my case particularly, we're
22 dealing with any number of facilities located next to and
23 around sensitive receptors, schools, residents. And in
24 order to have a pilot project that has consideration for
25 the impacts of all of these facilities on people, we need

1 to have some sort of legitimate input from the residents
2 of the community that aren't directly affected by some
3 sort of specific interest with the producers of these
4 chemicals or whatever. So we think that some sort of
5 formula for comprising this Board needs to be put forth
6 that would consider or at least get legitimate input from
7 residents.

8 Very often when we have meetings, they're heavily
9 weighed by industrial or corporate interests. I sit on a
10 Board in our community. It's called Walt Bart (phonetic),
11 and it's in an unincorporated area of Los Angeles. And
12 usually at the meetings I'm the only one that represents
13 the community. It's heavily weighed by the people that
14 represent the industry in the area. So the formulation of
15 the LAG is very important, and we'd like to have serious
16 input. Because on the for-real side, the people in the
17 community are overwhelmed with trying to take care of
18 their families, and we're being heavily impacted by the
19 price of gas, the price of food. Everything seems to be
20 going up. And time is at a premium for the meetings and
21 the way they're scheduled.

22 Thank you very much.

23 CALEPA DEPUTY SECRETARY PRASAD: Rachel Lopez.

24 MS. LOPEZ: Good morning. My name is Rachel
25 Lopez, and I'm here from the community of Mira Loma in

1 Riverside County. I'm also here as a representative for
2 the Center for Community Action and Environmental Justice.
3 And I'm here also in support of the proposal that was
4 submitted by Angelo regarding our pilot projects and the
5 LAG meetings.

6 We have had one LAG meeting in Mira Loma which
7 was well attended. The issue there is that we haven't had
8 any feedback at all from that particular meeting. And the
9 problem exists that we will not until the next LAG meeting
10 whenever, you know, they get back to us or decide to set
11 up a meeting and try to find a community center or
12 facility to hold the meeting in. During that time, no
13 comment has been made on any of the community's concerns.

14 And so there's no one to contact other than ARB
15 representatives that have been at the meetings. But
16 there's no communication with the community. And, yes, it
17 is open to the public, but then everybody there is part of
18 the LAG advisory group. And not everybody will be
19 attending all the meetings because of time constraints or
20 other obstacles that they have. So each time the
21 meetings and the people will be changing. So this is why
22 we are asking for a structured advisory group, a Local
23 Advisory Group. Thank you.

24 CALEPA DEPUTY SECRETARY PRASAD: Jesus Torres.

25 MR. TORRES: Good morning. Jesus Torres,

1 Committee organizer with CBE, Communities for a Better
2 Environment, here in support of the proposal brought to
3 you earlier by Angelo.

4 The main reason why we wanted to do this is, you
5 know, we felt there was a lack of community-driven type of
6 leadership in these pilot projects. You know, it's very
7 important for us to come together at these meetings and
8 address these issues, because we're the effected
9 community.

10 There's a lot of issues going on in the city of
11 Wilmington right now with the port expansions and the
12 refineries and so forth. And I hate to see there be a
13 lost opportunity for us to really address any issues where
14 we can come to certain types of conclusions where we can
15 address future emission reductions and, you know, address
16 a lot of the issues that the refineries -- a lot of the
17 industries, for them to install better equipment at the
18 refineries. I think this is a great opportunity for us to
19 address a lot of these concerns.

20 And one of the reasons we wanted to change the
21 structure of it to be more formalized in the sense where
22 the community, you know -- ownership of this. You know,
23 this should be a community-driven type of entity where
24 community members are going to have the input. We don't
25 want this to be co-opted by industry. In many cases, in

1 these types of meetings where so much industry shows up
2 and at the meetings, that these meetings are held -- the
3 community members can't make it. So it's really important
4 that we have a majority of community representation at
5 these LAGs.

6 And again going out for everybody's comments is
7 that we're want this proposal to move forward. We want
8 the pilot project to move forward. And we're just fed up
9 with what's going on, and we just want this to move
10 forward in a democratic process. Thank you.

11 CO-CHAIRPERSON TAKVORIAN: Okay. Linda, Dale, I
12 don't know who is going to respond. We do have other --
13 please, have a seat.

14 We do have other public comment slips, but we
15 thought that unless we missed one, if these are the total
16 number of public comments on this pilot project, we'd like
17 to take those first and wrap that up. Okay.

18 PLANNING & TECHNICAL SUPPORT DIVISION ASSISTANT
19 DIVISION CHIEF MURCHISON: Thank you. And thanks for
20 having us come forward and speak about this.

21 I'd like to maybe try to go back and address some
22 of the comments and then also give you just a little
23 background of what we have been doing, because I think
24 it's important to know how we've been proceeding on this.

25 Regarding the membership, I mean we can take that

1 under, you know, advice and look at that. I think we
2 were -- we did have a lot of discussion very early on in
3 the process about what the makeup of the LAGs should be.
4 And there was a lot of concern from all parties as to who
5 exactly would sit on the LAGs and how that would proceed.

6 We've always had a philosophy at ARB we want to
7 have open meetings, because it's very hard to select very
8 specific people to represent entire communities. And so
9 to us, it was important to have anybody come in who had
10 concerns or wanted to be involved in this process and to
11 participate in the Local Advisory Group Committees. So we
12 took that position. It was different than how some of the
13 other BDOs took it. But we felt for the work we were
14 doing, it was important to hear from the public in
15 general, the community members, and also the local
16 agencies that are in those areas.

17 And, in part, the reason we do that is when we
18 get to the point of identifying those specific projects
19 that we may want to pursue for precautionary approach or
20 we may want to look at in terms of reductions or
21 alternative processes, we really have to have everybody
22 involved at the table. Everybody has to buy into it.

23 I think the experience -- and Diane will be
24 familiar with the experience we had with Barrio Logan. It
25 wasn't something we could do in isolation by ourselves.

1 We had to have local agencies at the table. We had to
2 have industry at the table. We certainly had to have
3 community at the table. But it took the whole community
4 to really define and then address problems. It's not
5 something that a government agency can do in isolation.
6 So the concept of having an open meeting seemed to make a
7 lot of sense to us at that time.

8 But we will look at this, and we'll give some
9 thought to that and see if we can work that in such a way
10 that it benefits kind of the direction we're trying to go.
11 And that is to include everybody as well as have a little
12 more definition to it, which I think is what part of the
13 concern is here.

14 In terms of the fact that the paper focused on
15 cumulative impacts, I'd like to make a few points about
16 that. One of the goals in the Environmental Action Plan
17 that this Committee set forward was for the pilot projects
18 to look at cumulative impacts, to develop tools to begin
19 to understand how we can address issues in communities
20 from a cumulative perspective, a multi-media cumulative
21 perspective. We said from the very beginning that was
22 technically challenging. But at the same time, we felt
23 that we were in a good position to start doing that. We
24 have done a fair amount of work already in some of the
25 Southern California communities, particularly in

1 Wilmington. And we felt that we could take that
2 information and take our expertise and we could start to
3 address what we heard was one of your primary goals for us
4 to look at.

5 So what we have been doing over the past couple
6 months is that we have been looking at where we might find
7 data sources available, multi-media data sources. We
8 obviously have a fair amount of information related to air
9 pollution sources.

10 We've worked closely with Barry's staff and the
11 Air District to gather specific information about sources
12 that are sources of air pollution. But we've also brought
13 in other data layers, and I'd like to briefly go over
14 that. We've worked with U.S. EPA to bring in their super
15 fund information. We worked with the Solid Waste Board to
16 bring in information they have in a GIS perspective.
17 We've been working with the Water Board to bring in
18 groundwater contamination in terms of information they
19 have there. We worked with DTSC to look at the
20 Brownfields, also the treatment, storage, and disposal
21 facilities.

22 In addition, we have additional information that
23 we gathered from some of the cities and counties in
24 Southern California regarding the intermodal facilities.
25 We worked with the city of Commerce to get business

1 license information, land parcel information from the city
2 of Commerce. And then in addition, one of the suggestions
3 that was made by some members was that we really ought to
4 be looking at health information. And we have been
5 working with our Department of Health Services to bring in
6 health data like pre-term births and cancer that we may be
7 able to overlay on top of the communities we're looking
8 at.

9 The point I'm trying to make here is that it's a
10 very data-intensive effort to look at cumulative impacts,
11 and a lot of effort has gone into doing that. It's
12 challenging, but we are committed to try to address that,
13 because that is one of the goals of this particular
14 Committee.

15 There's been a couple comments about other
16 projects and whether we take credit for those and this.
17 It's not -- certainly not our intent to bring in things
18 that we had not actually worked on. But what is important
19 when we start looking at the port plan and the risk
20 assessment which was recently released from the Southern
21 California ports area is that is information that helps us
22 understand the communities we're looking at. If we're
23 looking at total burden, if we're looking at cumulative
24 impacts, we do need to draw upon all the data sources that
25 are out there. There are monitoring studies underway.

1 There's risk assessment studies underway. All of those
2 are important to our overall understanding of identifying
3 what the issues are.

4 Someone made a comment that we didn't address
5 reduction as much. That's an oversight in the sense that
6 ultimately where we're going with this is to look at
7 community-based mitigation strategies. But we have to
8 understand what the problem is first. And that's the
9 reason we focused so much on the data gathering.

10 In terms of the precautionary approach, I mean,
11 to me, that is where it is absolutely crucial to have the
12 public input. We did receive from each of the communities
13 a written list of priorities of things they wanted us to
14 look at. We held at least what we perceived to be LAG
15 meetings in the communities. That's where we received
16 this information.

17 We do want to sit down with the community and
18 prioritize those and decide which ones to focus on. Many
19 of them are stationary sources. We've already been in
20 touch with our partners at the South Coast. They've
21 agreed to work with us on those. We do need to prioritize
22 though, and that's something we should do at our next LAG
23 Committee.

24 I do want to take just a minute to talk about the
25 lack of feedback. Because I think one of the things

1 that's important for the Committee to understand is that
2 at our last meeting we had a lot of discussion about the
3 real issue in the MOU issue. It was obviously a very high
4 priority for the communities we're working with, and we
5 understand that. It is a high priority. But because we
6 spent so much time on that, we did not have time to
7 address or look at the other things that were on the table
8 in terms of projects.

9 The Air Resources Board is addressing the rail
10 MOU. There has been two public meetings on that. There
11 will be a hearing on October 27th. And I don't know what
12 the outcome of that will be. It will be a Board decision.
13 But that aside, when that is complete, I think it's
14 absolutely essential for us to go back to pick up all the
15 other priorities that the communities raised to us and
16 start prioritizing and addressing which of those we should
17 be focusing on. It is those specific priorities I think
18 is where we can find some opportunity to look at projects
19 that address precautionary approach and look at ways of
20 having community-based reduction strategies.

21 And I think that probably I tried to hit the
22 points that were brought up in the comments, but also give
23 you a flavor of the work that's being done. And we're
24 very committed to doing this work. And I'm actually happy
25 to hear that people want us to come back. We weren't

1 sure, to be honest with you, after the last meeting.

2 I know Wilmington has been very anxious, and
3 we've scheduled a LAG meeting in Wilmington for November
4 7th. And I'm happy to work with Rachel and Angelo to get
5 the next ones scheduled for those committees. So if you
6 want to talk, that would be great.

7 CO-CHAIR TAKVORIAN: Okay. Thank you, Linda.
8 And I think -- I'm sorry, Dale, did you have something to
9 add?

10 So I think we have time now for Committee
11 discussion. And I apologize I didn't see the order in
12 which these --

13 ADVISORY COMMITTEE MEMBER CLARK: I think mine
14 was up first.

15 CO-CHAIR TAKVORIAN: I think Henry was up first.
16 So we're going to start with Henry and then come around
17 the room. We always get help from Henry.

18 ADVISORY COMMITTEE MEMBER CLARK: Am I
19 understanding you correctly, Linda, when you say that
20 you've been having meetings that you consider Local
21 Advisory Groups, but there's not been any formal type of
22 structure to those groups?

23 PLANNING & TECHNICAL SUPPORT DIVISION ASSISTANT
24 DIVISION CHIEF MURCHISON: Yeah. What we proposed early
25 on in the process and what we brought in Committee was an

1 open structure to the Local Advisory Groups, because we
2 felt it was necessary to have representation throughout
3 the community, but we also wanted others who we think will
4 be part of the solution to sit at the table and buy into
5 the process, too, which means whether that be local
6 government or industry or other interested parties.

7 ADVISORY COMMITTEE MEMBER CLARK: How do you make
8 decisions in that framework?

9 PLANNING & TECHNICAL SUPPORT DIVISION ASSISTANT
10 DIVISION CHIEF MURCHISON: Well, what we have in front of
11 us now is we have received plans that were actually
12 written by the community groups of things to prioritize.
13 And the next step in this process is to go back and meet
14 with the group and select those priorities. You know, in
15 part, we have to weigh into our resource issues. But we
16 are committed to do things off that list. And it's to the
17 extent that we can identify specific projects and get, for
18 example, partners to buy into us, whoever's jurisdiction
19 that is, then we will proceed with those projects.

20 ADVISORY COMMITTEE MEMBER CLARK: Well, I'm
21 really concerned with this process. You know, public
22 participation is a key component of environmental justice.
23 And like one of the gentlemen from the community testified
24 that, you know, in situations where there's no really
25 clear structure to the Local Advisory Group, I mean, the

1 community people who really are going to bear the brunt of
2 any disproportionate impacts and adverse impacts, you
3 know, could easily be outnumbered in that type of
4 situation. And believe me, I've been in many meetings
5 where the deck had been stacked against the community.

6 So these type of concerns are not just some
7 figment of someone's imagination. They are a real concern
8 and issues. And I would hate to see that situation happen
9 under the name of environmental justice.

10 ALTERNATE ADVISORY COMMITTEE MEMBER DIAZ: I just
11 wanted to follow up on what Dr. Clark had mentioned. When
12 you speak of environmental justice as a statute of this
13 Advisory Committee and these pilot projects are being
14 implemented, the core element here is again community
15 driven. And in the context of the past meetings, I have
16 not seen a community itself make an official and formal
17 proposal to this body articulating a construct that would
18 be able to provide them some comfort about how their
19 views, their inputs, their suggestions are being brought
20 forward.

21 I think this is a very good model or at least a
22 beginning to a discussion about how to formalize
23 communication, structure, so that the community itself
24 feels it's being represented, its views are being adhered
25 to, and its message isn't being convoluted by larger more

1 powerful political stakeholders at the table.

2 I think the reason one is being open in this such
3 process -- I understand ARB wanting to engage a large
4 variety of different sectors. But when it comes to pilot
5 projects dealing with emission reductions, there are many
6 different fronts of this different battle right now,
7 whether it be the goods movement plan being worked on,
8 whether it be the MOU that has been signed as well.

9 So I think in light of the uncertainty of
10 community groups having faith in those process, this pilot
11 project I see as a perfect model or an experiment to see,
12 in fact, how those ideas, how those viewpoints correlate
13 with the overall broader objectives that are being
14 considered and spoken about.

15 And in light of certain doors within those
16 processes being a little bit more closed, I would think
17 this process would be a way to engage and also facilitate
18 conversation with respect to other things that are
19 happening at the particular moment that do have some, you
20 know, potential for controversy and strategic plan and so
21 forth.

22 So my question I guess is, in light of this open
23 process that you've engaged in terms of the Local Advisory
24 Groups, I would want to know how you plan to filter and
25 accumulate and then digest what is being gathered and how

1 specifically with all those various tangents of the
2 process taking place how you expect to engage the
3 community so they can then present their views, their
4 input with respect to what you are uncovering as you go
5 through the data acquisition.

6 PLANNING & TECHNICAL SUPPORT DIVISION ASSISTANT
7 DIVISION CHIEF MURCHISON: I think that's a good question.
8 I guess I was operating under the assumption that the
9 plans that the communities had submitted to us already was
10 really the starting point. It wasn't to go and to ask the
11 broader public as to what projects to work on. We have a
12 list of projects. Those projects came to us specifically
13 from the community members. And I recall I think at one
14 of the last meetings somebody asked, you know, if we would
15 accept those plans as is, and we basically have done that.

16 So that's the starting point. The starting point
17 is not to say should we or should we not do something.
18 The starting point is we are doing something. We're
19 working off the list the community has provided. The
20 question is which are the most feasible projects that can
21 lead us to broader either understanding, better reduction,
22 improvements in the community. And that's a choice we'll
23 have to make with the community at our next LAG meeting.

24 ALTERNATE ADVISORY COMMITTEE MEMBER DIAZ: How is
25 that decision-making process handled and who made those

1 final -- did they all get accepted or were there
2 particular ones --

3 PLANNING & TECHNICAL SUPPORT DIVISION ASSISTANT

4 DIVISION CHIEF MURCHISON: Well, basically, because
5 there's more than we can do on each those lists -- there's
6 many items on each list. And the lists were written by
7 the community groups, not by the broader LAG community
8 that was submitted to us. We were asked to accept them as
9 is, and we've agreed to do that.

10 The issue becomes the resource issue. We cannot
11 do them all. So working with the community and the LAG,
12 we will pick certain ones as pilot projects. Those pilot
13 projects then lead us to either coming up with suggested
14 community mitigation strategies or coming up with
15 approaches or operations that are all experimental type
16 pilot projects, the things that we hope that lead us to a
17 broader policy application that could be used elsewhere in
18 other communities.

19 And if you're asking if we're going to vote on
20 it, no, we're not going to vote on it. We are strongly
21 committed to hear what the community wants us to do there.
22 We do feel we need to have other players at the table,
23 because we can't work in isolation. We have to have the
24 district there. We have to have the city of Commerce, if
25 that's case. We have to have industry representatives.

1 Because oftentimes these projects will be done at a
2 particular facility. For example, the battery recycling
3 was one. The waste to energy was one. They have to buy
4 into that to some extent. Not completely, but to some
5 extent. And we're trying to work as a cooperative kind of
6 effort in the community itself with all of the community,
7 including the city.

8 ALTERNATE ADVISORY COMMITTEE MEMBER DIAZ: So can
9 you just briefly mention the criteria for prioritizing
10 these projects if you have buy-in from all these different
11 stakeholders in terms of trying to gather the information
12 and convene processes to do the work you're being asked to
13 do?

14 PLANNING & TECHNICAL SUPPORT DIVISION ASSISTANT
15 DIVISION CHIEF MURCHISON: I think in part there's an
16 issue of feasibility. We'll have to see which ones we can
17 do. But there's not a specific criteria. We talked about
18 coming back at our next LAG meeting and talking about
19 criteria, but we haven't had that LAG meeting. In part,
20 we haven't had it because so much of the focus here
21 recently has been on what was the highest priority, and
22 that's the rails and the rail MOU. So you sort of caught
23 us in the middle of the process in some ways.

24 And you heard me I think just a few minutes ago
25 commit that we'll go back and have those meetings. We had

1 one scheduled for Wilmington. We will schedule the others
2 for Mira Loma and Commerce now that I've heard that they
3 really do want to have us move forward on this. And we
4 can talk about that criteria with the group. I don't
5 think that we necessarily want to be the ones to set that
6 criteria.

7 ALTERNATE ADVISORY COMMITTEE MEMBER DIAZ: The
8 Local Advisory Committee should probably do that. But
9 with no structure, wouldn't it be kind of difficult?

10 PLANNING & TECHNICAL SUPPORT DIVISION ASSISTANT
11 DIVISION CHIEF MURCHISON: You know, I honestly don't
12 believe that. I know there's concern that people will be
13 outvoted. Once again, we're going to work off the list
14 that was already developed by the community.

15 ARB ENVIRONMENTAL JUSTICE SECTION MANAGER SHRIMP:
16 I want to at least give you a little more background. We
17 didn't just get those lists and put them in a drawer. We
18 actually went through and reviewed each item on these
19 lists and then looked into them in terms of, if we were to
20 do a project like this, how do we think it would work?
21 What are the sources of data? What would be the potential
22 strategies that might come out of this? That when people
23 listed individual facilities, we checked up on every
24 individual facility. We looked into their compliance
25 records, their past violations.

1 We talked to South Coast District staff about
2 past complaints on these facilities so we could come back
3 and say we at least checked what's happened at these
4 facilities. This is what has happened over the last few
5 years that we were able to find. Maybe they have other
6 concerns, but we tried to track down information on them.
7 In some cases, they were things that were on the list that
8 when we actually went and looked into it, we found out it
9 already existed. And we can come back -- and there was
10 one request for educational material and educational
11 program. Well, when we tracked it down, we found out it
12 already existed. And we can come back and say, "If you
13 call this person, you can get all that information you
14 were looking for."

15 When we go back at the next meeting, we want to
16 go through this list and say, "Here's what we think we can
17 do on each one of these areas, and here's what we found
18 about the things, the issues that you raised," so to help
19 then in further discussion to try to prioritize these.

20 ALTERNATE ADVISORY COMMITTEE MEMBER DIAZ: Thank
21 you.

22 ADVISORY COMMITTEE MEMBER LEE: I have two
23 comments for you, Linda.

24 The first is I'm sure you've gathered there's
25 concern about the gradation between open public meeting up

1 to the Local Advisory Group and how you work that out.
2 And I think it would be worthwhile for you guys to -- I
3 think continuing the open public meeting process is very
4 valuable, but I think you might be helped in building
5 community support by actually having a smaller Advisory
6 Group that can do some more ongoing communication with you
7 about issues, as opposed to only having, you know, a
8 couple of Local Advisory Group meetings, continue to have
9 your open meetings, but communicate with your Local
10 Advisory Group participants in the mean time as issues
11 come up. I think that's one thing that could help you
12 out.

13 And then the second point is not only specific to
14 this, Dave, but I think I would appreciate it with all of
15 the updates we get in the future. And, you know, I know
16 the separate issue of the railroad MOU is very sensitive,
17 and people are taking sides. And it's a tough one for ARB
18 to resolve. And I know that you're working hard on it and
19 that it is not an issue of your specific making or that
20 arose through this process.

21 And I don't want to go into the railroad MOU
22 issue itself, but I do think it caused me a little concern
23 reading this update. I would look at it, and if I didn't
24 sit on this Committee or know about that other issue, I
25 would come away from reading this update with the basic

1 idea that everything is moving forward smoothly. You've
2 got good community buy-in. Everybody is happy, and things
3 are great. And that's not what I'm hearing about how the
4 last meeting went or where the community groups are coming
5 from and that sort of thing.

6 And I think it would be in the interest of, you
7 know, real communication with this Committee for all of
8 the boards, departments, and offices in their updates to
9 identify if there are difficulties that have been
10 encountered in implementing their projects and how the
11 community groups and Local Advisory Groups are feeling
12 about the process. Because that's a huge piece of what
13 this is about.

14 And I think from the technical side of what
15 you're doing and getting the lists and the truck idling
16 and the risk assessments that ARB has been working, on all
17 those things are positive. All those things are providing
18 the data that you need to move forward. And in terms of
19 where we would expect you to be on the technical data
20 gathering side, you guys are moving ahead well. I think
21 the piece that's missing from the report is how well, what
22 the agency is doing as the agency does its businesses is
23 moving forward, interacts with what the community wants
24 from the agency in this process. And so I would
25 appreciate having that as part of our reports.

1 PLANNING & TECHNICAL SUPPORT DIVISION ASSISTANT

2 DIVISION CHIEF MURCHISON: I'd be happy do to that.

3 If I can just make one comment. I don't want
4 to -- we'd be happy in our updates to provide from our
5 perspective how things are going. I wouldn't want to
6 speak for the community. I think it makes the most sense
7 for you to ask them directly or perhaps they provide
8 updates from their perspective on that piece, as opposed
9 to us trying to --

10 ADVISORY COMMITTEE MEMBER LEE: Absolutely. But
11 the fact that -- well, first of all, you're very
12 intelligent and perceptive, and you've been doing
13 environmental justice for a long time. So I know you've
14 got a fairly good antenna for how things are going in your
15 public meetings.

16 But the fact that you made the comment that
17 you're happy to hear the community wants you to come back
18 is a pretty good barometer of your sense of how well
19 that's going. And I think some mention of it is important
20 so that --

21 PLANNING & TECHNICAL SUPPORT DIVISION ASSISTANT

22 DIVISION CHIEF MURCHISON: Let me just follow up on that,
23 too, because I think we tend to look at this somewhat in
24 isolation. In reality, there's a whole bunch of stuff
25 going on. There's stuff involving the rails. There's

1 stuff involving the ports. And even though we want to
2 carve out the LAG and we say here are the projects for the
3 LAG, it's never in isolation. It's all one big package,
4 and that's fine.

5 At our last meeting, as you know, there was a lot
6 of focus on the MOU. And it was very clear to us that the
7 process, in the process, that that was the number one
8 priority. That was the concern of the community. And
9 that that had to be resolved before we really could move
10 forward on some of the other things. And so it is part of
11 the ongoing relationship with the Air Resources Board and
12 the communities. As much as we'd like to split things
13 out, you can't.

14 So that is being addressed. It's moving forward.
15 There is a hearing scheduled, after which we, you know,
16 will jump back in with the next thing on the list and to
17 start working with the community to prioritize those
18 things.

19 ADVISORY COMMITTEE MEMBER HARRIS: Linda, what I
20 heard from the various people who presented their
21 testimony was not so much of the substance. It had to do
22 more with the perception as it relates to the composition
23 of what is going on.

24 And I also heard you say that there was an
25 opportunity for you to take a look at the composition,

1 because perception oftentimes can become reality. And it
2 will stall everything. Are you willing to go back and try
3 to work out at least some type of structure so that --

4 PLANNING & TECHNICAL SUPPORT DIVISION ASSISTANT

5 DIVISION CHIEF MURCHISON: I think we can go back, and
6 we'll talk to some of the folks that came today and look
7 at a way we might be able to address that. I don't want
8 to lose the ability to have the public involved. I think
9 it's very important to be open. You know, that's
10 certainly a lesson that we have learned here within our
11 organization. But we are willing to have that discussion
12 and go back and see if we can explore something that will
13 work for everybody.

14 CO-CHAIR TAKVORIAN: I'm going to call on myself,
15 and then Lenore, Barry, and then Barbara.

16 ADVISORY COMMITTEE MEMBER LEE: I have a motion
17 when you're ready for a motion.

18 CO-CHAIRPERSON TAKVORIAN: I was going to make a
19 motion also.

20 CO-CHAIRPERSON ALLEN: Let me just do a little
21 housekeeping before you do that. And then after we have
22 the discussion on this pilot, we're going to take a break,
23 because I think everybody needs a 15-minute break, and
24 then we'll resume on the additional projects.

25 CO-CHAIRPERSON TAKVORIAN: I just wanted to thank

1 the community environmental justice organizations that
2 took the time to draft this proposal. I know it probably
3 took a lot of time on your part to talk about this and
4 come up with a thoughtful and what I think is a clear
5 commitment to participate.

6 And like you, Linda, I was unclear about whether
7 this pilot project was going to move forward and whether
8 there would be community participation. And I think the
9 reference to development and securing trust is a critical
10 issue. And I think that the community organizations need
11 to be acknowledged for being willing to take another step,
12 given that from their perspective there's been a breach.

13 And I also think that the ARB is obviously doing
14 incredibly hard work, is very invested in this project,
15 and in environmental justice in general.

16 I guess the point I would make is that if you
17 don't accept or form some kind of a formal Advisory
18 Committee, the ARB becomes the de facto decision maker.
19 And while we're, as you know and we've said publicly many
20 times, very happy with the Barrio Logan outcomes, that was
21 the situation there. And I think that's different than
22 our environmental justice demonstration project with EPA.
23 And Environmental Health Coalition had the opportunity of
24 both models where the stakeholders were all required to
25 sign on to a set of agreements and there was a very clear

1 set of stakeholders who were at the table and were
2 essentially voting members.

3 So I would suggest and would like to move that
4 the CEJAC conceptually endorse the proposal that's been
5 brought forward. I think it is inclusive. It isn't
6 exclusive. And the only amendment I might make to it, but
7 I think it's something the LAG should think about, is you
8 might add ad hoc or ex officio members appropriate to the
9 project as you said, Linda. So if there are projects that
10 need other members for that particular project, those
11 might be different than members that you would need for
12 another project. So it seems like you have a consistent
13 LAG, and then you add members. And those could also
14 include folks from the Air District and others that might
15 be constant. But I would say that we should move forward
16 and endorse the concept of the composition of a LAG as
17 brought forward by the community organizations.

18 That's a motion. I don't know if I have a
19 second. You should do that.

20 CO-CHAIRPERSON ALLEN: Do we have a second?

21 ADVISORY COMMITTEE MEMBER CLARK: Second.

22 CO-CHAIRPERSON ALLEN: Any discussion?

23 ADVISORY COMMITTEE MEMBER LEE: Point of order.

24 ADVISORY COMMITTEE MEMBER VOLTURNO: I just have
25 a question. I just want to make sure I understand it

1 correctly.

2 So basically when you got input from the
3 community, they didn't give you a prioritized list. They
4 gave you a list, and you didn't ask them to prioritize
5 that. Now the issue is prioritizing that list. So
6 originally you just gathered that from the community
7 members. But now that you're prioritizing, you're
8 bringing in all the stakeholders to prioritize those
9 things. I just want to make sure I understand it.

10 PLANNING & TECHNICAL SUPPORT DIVISION ASSISTANT

11 DIVISION CHIEF MURCHISON: I think the prioritization
12 would occur at the Local Advisory Group meeting. That's
13 what we said in our early proposal. I guess that's the
14 intent that we had. There's been some issues raised here
15 about whether or not that's the best way to do that. And
16 we can reconsider that. But it is what we had originally
17 written up and proposed to this group, and it was accepted
18 by this group. So we can go back and rethink that.

19 ADVISORY COMMITTEE MEMBER VOLTURNO: I just
20 wanted clarification. Thank you.

21 CO-CHAIRPERSON ALLEN: Barry.

22 ADVISORY COMMITTEE MEMBER WALLERSTEIN: Barbara
23 had a question first.

24 ADVISORY COMMITTEE MEMBER LEE: Just as a point
25 of order. On Diane's motion, I'm not sure if it's an

1 amendment I would offer to her motion or a substitute
2 motion or what it is. I was going to offer a slightly
3 different recommended composition of the Advisory Group
4 after consulting with the community members. How do you
5 want to handle that?

6 CO-CHAIRPERSON TAKVORIAN: Why don't you make an
7 amendment? Did you consult already?

8 ADVISORY COMMITTEE MEMBER LEE: Through Barry.

9 ADVISORY COMMITTEE MEMBER WALLERSTEIN: This is
10 one of these things where we work on enough things, I saw
11 her over there holding a piece of paper and I thought she
12 was going to introduce a motion. And I had scribbled my
13 own motion, so I went over and conferred with her. And
14 she has an idea about the composition.

15 Diane, as I understood your motion -- and I have
16 problems with one aspect of it. But as I understood your
17 motion, it was kind of conceptually approve and forward
18 and recommend this on. I would much prefer to be specific
19 rather than conceptual. And so that's why I was going to
20 propose some very specific edits to this document as a
21 motion if I had the opportunity.

22 ADVISORY COMMITTEE MEMBER LEE: And you talked
23 with the community members?

24 ADVISORY COMMITTEE MEMBER WALLERSTEIN: Well, I
25 talked with one member.

1 CO-CHAIRPERSON ALLEN: Is that a substitute
2 motion, Barry?

3 ADVISORY COMMITTEE MEMBER WALLERSTEIN: If I
4 could introduce a substitute motion, I'd like to. And
5 maybe it passes. Maybe it doesn't.

6 ADVISORY COMMITTEE MEMBER HARRIS: Point of
7 order. You have the privilege of a substitute motion if
8 it -- if you get it seconded. And if it passes, it takes
9 out the original motion. So why don't you just make a
10 substitute motion and see what happens.

11 ADVISORY COMMITTEE MEMBER WALLERSTEIN: Okay. If
12 everybody has the document in front of them, under the
13 second paragraph that starts, "thus far, there's been
14 disconcerting" --

15 PLANNING & TECHNICAL SUPPORT DIVISION ASSISTANT
16 DIVISION CHIEF MURCHISON: Excuse me. Can we get a copy
17 of the document that's being discussed?

18 ADVISORY COMMITTEE MEMBER WALLERSTEIN: While
19 Linda is getting a copy, because I want her to be able to
20 follow along here, I want to first say that I agree with a
21 lot of the Committee member comments. We have lots of
22 working groups. There's a big difference between a public
23 consultation meeting, come one, come all, versus a Working
24 Group or an Advisory Committee. I attended the last
25 meeting. It was a consultation meeting the way it

1 ultimately ended up.

2 I'd like to recommend that we delete from the
3 paper that was handed to us -- I'm not making a judgment
4 about the feelings or correctness one way or the other.
5 But if it's going to come as a recommendation from this
6 Committee to CARB, I would like to take out that second
7 paragraph. I'd like it to have a little more of a
8 positive communication when it goes to CARB.

9 I would like to change the representation of the
10 Local Advisory Group to have -- it will have the same five
11 representatives --

12 ADVISORY COMMITTEE MEMBER LEE: It's a total of
13 13, first of all.

14 ADVISORY COMMITTEE MEMBER WALLERSTEIN: A total
15 of 13: Five representatives from local neighborhoods; two
16 representatives from environmental health and
17 environmental justice organizations; two public health
18 professionals; two industry reps; and then two government
19 reps. Right?

20 ADVISORY COMMITTEE MEMBER LEE: That's correct.

21 ADVISORY COMMITTEE MEMBER WALLERSTEIN: And as a
22 side bar, AQMD is not going to seek the new government
23 representative position. That was Barbara's idea it be
24 added.

25 The most significant change possibly, Diane, from

1 our perspective is the way government agencies have
2 advisory groups is to have the groups provide advice. But
3 to say voting members, my concern is that it implies
4 whatever the group says is what has to be done. And,
5 obviously, there's a responsibility of the agency to make
6 ultimate decisions. So I would propose deleting the word
7 "voting."

8 Then in the last section I have three more edits.
9 It says, "define the geographic boundaries." I would
10 propose delete the word "define" and insert the word
11 "advise on."

12 The next one says, "lead the design." I would
13 suggest that that be, "comment on the design."

14 And that there be another bullet added at the end
15 that says, "include public comment opportunities at all
16 meetings."

17 And that would constitute my motion.

18 ADVISORY COMMITTEE MEMBER HARRIS: I second it.

19 CO-CHAIRPERSON ALLEN: Any discussion on the
20 substitute motion?

21 Henry.

22 ADVISORY COMMITTEE MEMBER CLARK: Yeah. I don't
23 necessarily have a problem with some of the
24 recommendations that Barry is making. However, I do have
25 a concern with the proposed elimination of the second

1 paragraph from there, you know. And I would like to -- I
2 know you said you consulted with the one community member.
3 But I would like to get a feel of where the community
4 people are at who presented this proposal, whether they
5 are acceptable to the eliminating that paragraph or not.
6 Because obviously it pointed out a major concern of the
7 community in terms of the lack of any real meaningful
8 public participation.

9 And here again if we're concerned about
10 environmental justice, we're talking about meaningful
11 public participation. So you know, I would like to hear
12 from the community that presented the proposal whether
13 they are willing to accept that deletion before I would
14 vote in favor of this particular motion.

15 ADVISORY COMMITTEE MEMBER LEE: Did you want to
16 ask Angelo to come up and respond to Henry's question?

17 CO-CHAIRPERSON TAKVORIAN: They've asked to have
18 an opportunity to process both of the motions that are on
19 the table and then make a public comment about that. So
20 maybe this -- we were going to take a break once this item
21 was over. But why don't we take it now and get all the
22 other Committee comments, but then hear back from the
23 organizations. But Bruce and Jose have their -- and
24 Brenda have their -- and you. Sorry.

25 CO-CHAIRPERSON ALLEN: Bruce.

1 ADVISORY COMMITTEE MEMBER MAGNANI: Thank you.

2 I do agree with Dr. Prasad on one point he
3 mentioned earlier at the beginning of the discussion, and
4 that is we are doing a bit of backtracking. And I think
5 this discussion was had before, and I think ARB complied
6 with that. And maybe it's just me, but I fail to see how
7 having an open public forum every time you have a meeting
8 fails to get the local public input.

9 So, you know, if people are going to participate
10 from a local community, I would think they would
11 participate at that level. And I don't know what would
12 drive them to participate additionally if you create this
13 LAG. What it will do is it will give a more formal seat
14 at the table to the people who are going to participate
15 regardless. I'm going assume your local community groups
16 participate now. And if you don't, then I suppose that's
17 on you. If you're the organized group and you're coming
18 to make these points, it's on you if you don't
19 participate. It's an open forum.

20 That being said, I think the recommendations that
21 Barry made to the proposal are positive. I think it's
22 important that in moving forward you recognize that a
23 local governmental entity or any governmental entity
24 cannot seed the final decision making process when they
25 are in control of the resources that will be in play.

1 They are the only ones who are going to understand or know
2 the limitations of those resources and how they can be
3 utilized and whether or not they're meeting their
4 legislative mandate and their project-specific goals.
5 So in that regard, I think that's a clear point that was
6 missing from the earlier document in having that vote
7 discussion.

8 So those are my comments. And like I said, I
9 think the changes have been positive. Thank you.

10 CO-CHAIRPERSON ALLEN: I've sort of lost the
11 order. Brenda, are you next? Why don't we just go that
12 way. Is that okay?

13 ADVISORY COMMITTEE MEMBER BRAVO: Jose Bravo with
14 Just Transition Alliance, sitting in for Hermila.

15 There's a couple things that I wanted to mention.
16 One is answer I think Bruce's question in the sense that
17 the community always gets outvoted, even though they come
18 up to these in number into these committees, and the
19 community always ends up being outvoted or their plans not
20 followed through. And that's why I think there needs to
21 be a development of this type of ownership to a process.

22 Second is I encourage also the community to
23 consider one labor spot on that proposal.

24 Thank you.

25 ALTERNATE ADVISORY COMMITTEE MEMBER ARGUELLO:

1 One, I think the structure that's proposed provides
2 something that we, as the Committee members, have been
3 talking about for a long time, and that's innovative ways
4 to create opportunities for direct democracy and new ways
5 to do public participation that are meaningful.

6 I do want that to say as a former member of the
7 L.A. Unified IPM team that was implementing a
8 precautionary approach, we did have a vote. And somehow
9 the mammoth institution of LAUSD managed to do what it
10 needed to do, despite the fact that community members have
11 a vote. So I think that that is an important element.

12 If the community members feel they would like to
13 have this vote, I think it's not for us to change that.
14 That's part of what they are demanding, and I would be
15 extremely supportive of that. And that is a new model,
16 and we can figure out how to work with that new model.

17 ADVISORY COMMITTEE MEMBER KIDOKORO: First, I
18 think that I want to respond to Bruce's concern about and
19 some other folks talking about going backwards. I think
20 the idea of a pilot project is trying to figure out new
21 ways of doing something. And as Angelo mentioned that
22 there were some concerns about kind of the vagueness of
23 the structure. And then through the experience of going
24 through this, I would hope that the kind of knowledge
25 gained through that experience would then get incorporated

1 into figuring out how we can do this better. In the
2 spirit of that, I think this is a good proposal. Also,
3 you know, my organization is one of the supporters of
4 this.

5 The second thing is about the second paragraph.
6 I think -- I don't know if this would be a good
7 compromise, but if there could be some mention of that
8 some community groups have expressed concern about this,
9 you know, so that there's some acknowledgement that that's
10 there. And it doesn't necessarily have to be from CEJAC,
11 but it's acknowledging that there has been an experience
12 that people are concerned about.

13 ADVISORY COMMITTEE MEMBER JAHNS-SOUTHWICK: Thank
14 you. Just two points.

15 One I would like to clarify, because this
16 proposal isn't labeled as such, I would like to be very
17 clear that the proposal is speaking strictly to the pilot
18 project regarding the reduction of air pollution exposure
19 in urban communities in Southern California. And I think
20 that should be clearly indicated that this is something
21 the Committee actually intends to vote on.

22 And my second point would be that to the extent
23 that a second paragraph is reflective of what the
24 Committee personally knows, I don't think it's appropriate
25 to have it in there, because we're hearing it today, but

1 we don't want to be -- at least I don't want to be put in
2 the position of essentially taking up arms against the
3 staff. I haven't experienced this directly, except in
4 these public comments today. So I don't think it's
5 appropriate for us to make a motion to adopt this with
6 that paragraph in it.

7 CO-CHAIRPERSON ALLEN: Barbara.

8 ADVISORY COMMITTEE MEMBER LEE: I did want to
9 respond to Bruce's question about or comment about going
10 backwards and how these meetings work. I don't actually
11 view it as going backwards. I don't think it undoes
12 anything that ARB has already done or accomplished through
13 the process in terms of the data gathering and the
14 meetings with the community groups or the collection of
15 the lists of projects or any of that work. It doesn't
16 require them to redo it. That work can still stand.

17 I do view this as an opportunity to respond to
18 the concerns raised by the community and provide a
19 potentially productive forum for staff and the community
20 to move forward for a successful project in the future.
21 So I see it as, you know, mid-course correction to
22 projects that we do all the time. And so I don't think
23 it's backward progress.

24 And then just in terms of why it might be
25 appropriate. I think that certainly those of us who work

1 in the government sector understand the difference between
2 a public comment meeting and a working group, as Barry
3 mentioned. But I can certainly think of forums perhaps
4 that the Chamber has participated or other business groups
5 have participated in, like some of the negotiations, for
6 example, on portable equipment that happened this year to
7 improve the portable equipment program, where a small
8 group of people who are determined to make something work
9 and work well are able to roll up their sleeves and make
10 the compromises and find the path to success. When 200
11 people in a room expressing their feelings are able to get
12 their feelings heard, but perhaps not roll up their
13 sleeves and craft the ultimate project that's going to be
14 successful.

15 And so I think it's important that, you know, in
16 the spirit not only of environmental justice, but of good
17 government that you have both elements: That you have the
18 broad community input and you also have some smaller
19 working group that allows you to sift through the
20 concerns, identify the biggest ones, and find ways to
21 address them in a proactive sense. And ARB is very good
22 at that. Their working group on environmental justice
23 over the years has been very successful on that. And I
24 would imagine that whatever, you know, you do is going to
25 kind of follow that model anyway.

1 PLANNING & TECHNICAL SUPPORT DIVISION ASSISTANT

2 DIVISION CHIEF MURCHISON: I guess that was the question I
3 was going to ask you, Barbara, since you did participate
4 in our working group where we did come to agreement on a
5 number of different very difficult issues and projects,
6 including the environmental justice policies, you know,
7 the complaint resolution, the Public Participation Guide
8 Book, and ultimately the Land Use Handbook. That group
9 was not defined formally. But you're absolutely right.
10 There was a core group of people who were committed to
11 roll up their sleeves and get that done. And we met for
12 years, five years actually, to produce all that. And
13 stayed together for five years. We had our differences.
14 But at the end, we all had the same goal and we all
15 produced those products. And that was I think fairly
16 successful. And I'd ask Joe and others who participate to
17 comment on that model, did it work or not.

18 ADVISORY COMMITTEE MEMBER LEE: Linda, I think it
19 did work. I think the reason that this Committee might
20 urge you to consider something more informal in this case
21 is because in that other circumstance you were crafting a
22 process out of whole cloth and kind of the blank slate in
23 that area. In this instance, you have something of a
24 burden of proof on you with the community at this point.

25 PLANNING & TECHNICAL SUPPORT DIVISION ASSISTANT

1 DIVISION CHIEF MURCHISON: I understand that.

2 ADVISORY COMMITTEE MEMBER LEE: Regardless of
3 your feelings of whether it's merited or not, there is a
4 relationship issue that's arisen over the last few months
5 different from when we talked about this project six
6 months ago and the communities were very supportive of the
7 blueprint. And I think committing to something formal,
8 something that gives the community groups the reassurance
9 that there is that working group structure somewhere will
10 go a long way to making this successful for you. And
11 that's why I think it's worth considering.

12 PLANNING & TECHNICAL SUPPORT DIVISION ASSISTANT

13 DIVISION CHIEF MURCHISON: And I think I've already
14 committed that we will consider it.

15 ADVISORY COMMITTEE MEMBER LEE: And my
16 recollection of the working group process we went through
17 in environmental justice is that there was a short list of
18 must consult people. We would not have considered, you
19 know, a revision to the document to have been fully
20 reviewed if we didn't have Joe's comments or if we didn't
21 have Cindy's comments. It just would not have been -- we
22 would have considered that it would not have been fully
23 reviewed.

24 PLANNING & TECHNICAL SUPPORT DIVISION ASSISTANT

25 DIVISION CHIEF MURCHISON: Because they were the key

1 people who came to the table.

2 ADVISORY COMMITTEE MEMBER LEE: So I think this
3 would simply speed you to identifying that short list.

4 CO-CHAIRPERSON ALLEN: Okay. What we're going to
5 do now is take a ten-minute break. In that ten minutes,
6 we're going to have a look at the language based on the
7 comments that we got from the Committee and our
8 commentators. And we're going to come back in ten minutes.
9 We're going to put the language on the board. And we're
10 going to move the item, so that everybody understands what
11 we're voting on. So come back in ten minutes. Thank you.

12 (Thereupon a recess was taken.)

13 CO-CHAIRPERSON ALLEN: What we're going to do is
14 we're going to take action on the substitute motion. And
15 I'll ask counsel, do we need to have another substitute
16 motion to figure this out?

17 And then what we're going to do is break for
18 lunch at 12:30. We're only going to have a 30-minute
19 lunch, and we'll be back at 1:00 because we have
20 additional agenda items to get through.

21 So I think we have the language, so Angelo, would
22 you walk us through it.

23 MR. LOGAN: It's the proposal that was thrown out
24 by -- it's the motion that was put out by the Committee
25 members. And so we basically took those proposals and

1 included it within the -- our proposal. The changes are
2 minimal.

3 The composition of the body or the group was
4 changing from the five representatives from the local
5 neighborhoods, that was the same. But everything below
6 that, changing it to two of each.

7 The sentence -- the second paragraph we took out,
8 but we just wanted to include that there was -- the
9 objective of this was to meet the goal from this body,
10 which was the Pilot Project Goal Number 1, which was to be
11 community driven. And everything else we changed as
12 suggested.

13 I just want to also comment to bring the context
14 of where we're coming from. We, as the community members
15 within these particular pilot projects, feel there's a
16 lack of trust and faith in these pilot projects. And to
17 tell you the truth, most of the community members we've
18 been talking to feel very tired of participating in a
19 public comment period where our comments are taken into
20 consideration and put into a stack of papers with the rest
21 of the comments and never come to any reality or anything
22 tangible.

23 But we felt that we wanted to take the high road
24 and say, yes, we want to work with the agencies because we
25 feel this is a great opportunity and we can get a lot out

1 of it. But we cannot continue to work in the way we have
2 been throughout this process, and we feel we need some
3 structure and this is what we're proposing. It's ironic
4 that we're talking about it should be community lead, and
5 the community is proposing something at this time, and
6 this is what we would like from the direction of the
7 communities. Thank you.

8 ADVISORY COMMITTEE MEMBER WALLERSTEIN: Could we
9 have that paged down so we can see the rest of it?

10 As Angelo was explaining, what is up there is my
11 precise motion with the one sentence added at the end of
12 paragraph one, which is something that I can personally
13 support. So I'm willing to -- if another Committee member
14 wants that, my seconder would like that as friendly
15 amendment to our motion.

16 ADVISORY COMMITTEE MEMBER HARRIS: That's fine
17 with me. Makes sense.

18 ADVISORY COMMITTEE MEMBER WALLERSTEIN: We would
19 move this.

20 CO-CHAIRPERSON ALLEN: Okay. Any discussion?

21 I think there's one thing I'd actually like to
22 add from I think it was Brenda's comment is that at the
23 top this be noted at the Pilot Program Reduction of Air
24 Pollution Exposure in Urban Communities in Southern
25 California, specifically at the top, if we can get that.

1 I see two cards.

2 ADVISORY COMMITTEE MEMBER CLARK: I can't see all
3 those, but in the composition of the group there. But the
4 labor recommendation of the having the labor person, that
5 was not accepted?

6 MR. LOGAN: Yeah. We just felt that throughout
7 the process that within these particular pilot projects
8 there was not a whole lot of labor involvement. And for
9 us to reach out to those folks would be very difficult for
10 us. So we didn't want to put something up there that we
11 didn't have any control over.

12 ALTERNATE ADVISORY COMMITTEE MEMBER BRAVO: And
13 we spoke, and I agreed to get him in contact with folks
14 who could possibly in the future fit that role.

15 MR. MARQUEZ: We've had no labor attend any of
16 the meetings.

17 CO-CHAIRPERSON ALLEN: Can we move the question?

18 ADVISORY COMMITTEE MEMBER HARRIS: So moved.

19 CO-CHAIRPERSON ALLEN: All in favor.

20 CO-CHAIRPERSON TAKVORIAN: Before you -- I'm
21 sorry. The issue was raised to me that this -- I want to
22 make sure your intention was clear, that this would apply
23 to the three pilot project areas; is that right? Because
24 I'm hearing -- we heard --

25 MR. LOGAN: Uh-huh.

1 CO-CHAIRPERSON TAKVORIAN: There was a question
2 about that, so I want to make sure it didn't come back
3 later.

4 CO-CHAIRPERSON ALLEN: David.

5 ADVISORY COMMITTEE MEMBER ARRIETA: There's three
6 legs; one for Wilmington, one for Commerce, and one for
7 Mira Loma.

8 CO-CHAIRPERSON ALLEN: Yes.

9 Ready to move the question? All the favor?

10 (Ayes)

11 CO-CHAIRPERSON ALLEN: Any opposed?

12 Anyone abstaining?

13 So moved. Yes.

14 MR. LOGAN: Thank you.

15 CO-CHAIRPERSON TAKVORIAN: Thank you.

16 CO-CHAIRPERSON ALLEN: We have about 15 minutes
17 before lunch, and I would like to perhaps get public
18 comment on one of the projects. And I think I'm going to
19 use the Chair's discretion and go for the one I only have
20 one card on, and maybe we can get this before lunch, and
21 that is the DPR project, and Barry Bedwell.

22 MR. BEDWELL: Good afternoon. I appreciate the
23 opportunity to do this before lunch. I'm make it very
24 brief. I think after the last discussion -- first let me
25 tell you that I'm President of the California Grape and

1 Tree Fruit League. We're an organization that represents
2 approximately 85 percent by volume of the table grapes and
3 tree fruit production in the state. Although I'm not a
4 member of the Local Advisory Group and the Parlier, I have
5 been able to attend as a public participant for most of
6 the meetings.

7 And the first thing I want to say is I think that
8 Randy Segawa and Veda Federighi have done a great job.
9 They've run the meetings in a very efficient and timely
10 manner. They've worked hard to get not only the Local
11 Advisory Group involved, but to have public comment as
12 well.

13 I think one of the things they have done very
14 well is communicate that the LAG is an Advisory Group.
15 And it's very tempting at times to take votes on all
16 issues. But, clearly, they're an Advisory Group that has
17 to look at the lead agency, in this case DPR, to really
18 make the final decisions given their own criteria and
19 resources. So I think that was one thing we saw, that at
20 times, though, that the Local Advisory Groups would come
21 to a conclusion thinking it was going to be an automatic,
22 and we always had to remind ourselves that, no, this has
23 to go back and be DPR's decision.

24 The other thing I think that is very important is
25 to have these open to the public. I think one thing there

1 is a lot of concern when this project started -- and there
2 is an issue of trust. And the more that we can get all
3 sides together to discuss these issues, the better off we
4 are. I think one particular example occurred in Parlier
5 that you should be aware of. There was a discussion about
6 how many days to monitor the airborne pesticides and
7 whether those days of monitoring should be made public.
8 And, of course, the majority said, "Oh, absolutely not.
9 We can't make that public because these farmers are going
10 to be out there, and they're just going to change the days
11 they spray."

12 Well, one of the members of the Local Advisory
13 Group was a farmer and he said, "You know, I'm a little
14 hurt by that comment. But it really indicates a lack of
15 understanding. And the fact is, I don't decide what days
16 to spray. The weather and insects tell me when I have to
17 spray. And as far as announcing the days of monitoring,
18 it really doesn't matter to me. You can announce them.
19 You may not. That's okay with us." So I think that was
20 an important point to get across, is that we all want to
21 get the most accurate and reliable data we can in this
22 process.

23 And as we look at that procedure and protocol,
24 and it may be premature, but one of the things we want to
25 look at to ensure that accuracy is when we do the risk

1 assessment protocol that we do it so that we get credible
2 results that we can make sure that all parties feel
3 comfortable with. One of the things that we will be
4 looking at is the additive approach as we measure these
5 pesticides and automatically say that pesticide A, plus
6 pesticide B, plus pesticide C equals a risk. Even in the
7 protocol it's admitted there are some materials that may
8 not act in an additive manner. Let's recognize that. If
9 we don't know, then certainly we should take a more
10 cautious approach.

11 But I would just like to say I think the process
12 is working well. We started out with a concern as the
13 group was put together, and I don't think there was a
14 quota system set up. But we do have now a number of
15 different interests participating with the public
16 participation. I think it's moving ahead well.

17 One area I think needs to be worked on a little
18 bit is the clarification between the Technical Advisory
19 Group and the Local Advisory Group. When I talked to some
20 members, they say, "Well, I think that's a decision or a
21 recommendation that would be made by the TAG." And the
22 other side says, "No. No. I think that's the LAG." So I
23 think there's going to be some better coordination in
24 that.

25 But overall, I think we're impressed with the

1 progress, and we look forward to continuing with it.

2 Thank you.

3 CO-CHAIRPERSON ALLEN: Thank you. Do we have any
4 discussion from the Committee members on this item? Good.
5 Thank you.

6 ADVISORY COMMITTEE MEMBER DEANDA: I'm on the
7 LAG, and I don't know, is DPR going to do their
8 presentation right now or is that going to be after lunch?
9 I have to leave at 2:00, so if I can just say what I have
10 to say.

11 CO-CHAIRPERSON ALLEN: They're not going to do a
12 presentation, so you should just provide your comments.

13 ADVISORY COMMITTEE MEMBER DEANDA: So provide it
14 in writing?

15 CO-CHAIRPERSON ALLEN: Right.

16 ADVISORY COMMITTEE MEMBER DEANDA: I see. Well,
17 I was just -- I don't know if Veda got ahold of anybody
18 from CARB.

19 Although, I will say that it is working very
20 well. I think we do have a good LAG and a good TAG, and
21 we're on time. They start on time all the time. The
22 meetings are really sometimes exciting, to not use another
23 adjective I usually use when I talk about these meetings.

24 But we need to have another pesticide -- the air
25 monitoring done to include another pesticide which is

1 chloropicrin, and it's not included right now, although
2 DPL is not the one who is in charge of studying for the
3 chloropicrin. It's CARB. But CARB, Lyn Baker represents
4 CARB, and he says there's no money for it. And
5 chloropicrin is actually very, very toxic. So we would
6 ask for some kind of procedure to get chloropicrin put on
7 and be analyzed also.

8 CALEPA DEPUTY SECRETARY PRASAD: Have you had any
9 feedback after talking to CARB?

10 ARB AIR SUPPORT GROUP SUPERVISOR SEGAWA: I'm
11 Randy Segawa with Department of Pesticide Regulation.

12 And we have discussed this issue with the Local
13 Advisory Group as well as the Technical Advisory Group and
14 with CARB. It's really a matter of resources. ARB would
15 need to redirect some of their current monitoring from
16 other projects to DPR's project. And we can still
17 consider that.

18 Last time we talked about this at the Local
19 Advisory Group meeting, I think the consensus of the group
20 was to monitor for -- or get more monitoring for
21 pesticides that did not include chloropicrin. One option
22 we gave the LAG was to do less monitoring the other
23 pesticides so we would be able to include chloropicrin.
24 But most the group felt that we should maximize our
25 resources for those other pesticides and drop out

1 chloropicrin. But we can revisit that issue.

2 CALEPA DEPUTY SECRETARY PRASAD: What I can do is
3 actually take this issue further with the ARB people and
4 the Secretary and give you feedback at the IWG meeting on
5 the 25th.

6 ADVISORY COMMITTEE MEMBER DEANDA: Thanks.

7 CO-CHAIRPERSON ALLEN: Barbara.

8 ADVISORY COMMITTEE MEMBER LEE: Just one
9 question. When you say in order to do this monitoring
10 CARB would have to divert monitoring resources from other
11 things, is there something particular about chloropicrin
12 that requires a different sampling methodology? Or why
13 cannot the same air sample that's being used for other
14 pesticides be used to look at chloropicrin?

15 ARB AIR SUPPORT GROUP SUPERVISOR SEGAWA:
16 Chloropicrin is one of the pesticides that has an unusual
17 chemical structure so it can't be detected with the
18 methods we're currently using for the other pesticides.
19 It has to be a separate sample.

20 ADVISORY COMMITTEE MEMBER DORSEY: Are you
21 using -- the concern with the chloropicrin is it being
22 mixed with methylbromide or chloropicrin being using
23 separately as a fumigant. Because if you're testing for
24 methylbromide, it would seem to me you can possibly do a
25 combination sampling. And certainly there may be some

1 different test protocols. But it seems like you could
2 take care of both of them at the same time. I'm not
3 sure -- from the report here, I'm not sure if you're
4 testing for methylbromide or not.

5 ARB AIR SUPPORT GROUP SUPERVISOR SEGAWA:

6 Actually, methylbromide is one of the chemicals that is
7 included as well as dichloropropene. And chloropicrin is
8 normally used in combination either with methylbromide or
9 dichloropropene. Unfortunately, due to its chemical
10 structure, we just can't get it in the same sample as the
11 other two.

12 CO-CHAIRPERSON ALLEN: Okay. With that --

13 ADVISORY COMMITTEE MEMBER DEANDA: We don't want
14 any days taken or any other pesticides taken to replace it
15 with chloropicrin. We want chloropicrin on top of
16 everything else.

17 CO-CHAIRPERSON ALLEN: Any more comments from the
18 Committee?

19 If not, thank you.

20 I overlooked Jesse Marquez. He has a comment to
21 make, about two minutes, and then we're going to -- then
22 I'll chart out the rest of the afternoon for you.

23 MR. MARQUEZ: I did want to acknowledge and give
24 credit to both Linda and to Dale in regards to the
25 Wilmington pilot project. Because recognizing that we had

1 61 pollution contaminant sources out there, that even
2 deciding the pilot projects would be a little bit of a
3 difficult task. So in order to do one step ahead of these
4 other things, we decided to have a review of what studies
5 had been already conducted in all categories of air
6 pollution, water pollution, land contamination. That way
7 by knowing what studies had been performed already, we'd
8 be able to make a better decision as to how to prioritize
9 the pilot projects. We didn't want to reinvent the wheel.

10 So part of the reason we would have probably had
11 an earlier LAG meeting versus a November date is allowing
12 them sufficient time to do that type of research because
13 they were going to have to contact numerous other agencies
14 to see what studies had been done. And we do appreciate
15 the fact that they are taking the time to do a thorough
16 job on that. And they already notified me they are
17 prepared to do a presentation at the next meeting as to
18 their findings so we can have access to those documents as
19 well.

20 CO-CHAIRPERSON ALLEN: Thank you, Jesse.

21 Okay. We're going to break for lunch in just a
22 few minutes at 12:30. Be back at 1:00. And this is how
23 it's going to start off at 1:00. We have two cards on the
24 West Oakland Project. We're going to listen to those and
25 any Committee discussion. Then we're going to go back to

1 public participation for DTSC that was on the agenda. And
2 then we're going to go to public comment. And I have five
3 cards for public comment. And then we'll go from there.
4 I think there are going to be elections after that. So
5 have a quick lunch and come back.

6 (Thereupon a lunch recess was taken.)

7 CO-CHAIRPERSON ALLEN: Okay. I think our next
8 agenda item was going to be comments on the West Oakland
9 Project. But I don't think they're back yet from lunch.
10 So what I'm going to do then is to hold that and ask for a
11 presentation on public participation by DTSC. Thank you.

12 DTSC PUBLIC PARTICIPATION PROGRAM CHIEF MARXEN:

13 Good afternoon. I'm Jim Marxen with the Department of
14 Toxics, but I'm here representing my work with the agency
15 as a whole. And the work that I'm doing for agency is
16 developing consistent public participation guidance that
17 will apply to all the boards, departments, and offices
18 within CalEPA. And I'm here to just give you an update
19 and a progress report on that, and I think we do have some
20 slides.

21 Any questions before I start?

22 Well, I do want to say before I begin, I want to
23 thank Barbara and Joe for their interest and involvement
24 in this. We spent -- I don't know how much time. But we
25 did spend some time doing very detailed negotiations,

1 discussions, back in July and August, I believe. Correct
2 me if I'm wrong. It seems like just yesterday. To come
3 to some consensus on the recommendations that were
4 presented by the CEJAC some time ago and how CalEPA will
5 take those forward into a policy and guidance. And I
6 think we made some real progress on those. I think both
7 of us -- all three of us actually sitting around the table
8 really came to a better understanding of what the issues
9 were and how we can resolve them.

10 The devil will be in the details. Of course,
11 that is going to be in the guidance that eventually does
12 come out. It will show on the slide in a minute. But we
13 do perceive having a draft guidance that will be available
14 for public comment in March of 2006. And I think the
15 discussions that we had over the last couple of months
16 have been very, very productive.

17 What I did was at our last meeting we had a
18 number of comments that came up from the CEJAC about the
19 policy. And since the slide is not up, let me skip --

20 ADVISORY COMMITTEE MEMBER LEE: We all have
21 copies of the slides in our packets. If you want to
22 just -- if you have something you can work off, and we can
23 following along.

24 DTSC PUBLIC PARTICIPATION PROGRAM CHIEF MARXEN:
25 I have hopefully the same slides as you do without the

1 fancy graphics I think you guys have.

2 I did talk about the development of the
3 agreements on the matrix language, and there were some
4 areas that we could not come to agreement on, and I'll
5 point those out a little bit later.

6 We did integrate the comments we heard at the
7 last CEJAC meeting, and those specifically were focused on
8 statewide decisions and project specific public
9 participation. That was a very good point that was made,
10 and I can't remember who made that point. But we stepped
11 back from just the project specific public participation
12 and looked at the more holistic decisions that CalEPA
13 makes. We talk about incorporated accountability for the
14 agency managers and staff, although that is an issue that
15 will come up later, and I'll talk about a little bit more.

16 (Thereupon an overhead presentation was
17 presented as follows.)

18 DTSC PUBLIC PARTICIPATION PROGRAM CHIEF MARXEN:
19 Timing commitments, that will now be a part of the
20 guidance. There will be specific deadlines for work to be
21 accomplished in this area.

22 Identify funding and other impacts. I know each
23 BDO has informally done some of this in terms of our
24 internal. And this comment when it was made was directly
25 made about the expenditures that we're making for the

1 expenditures we would make if these recommendations were
2 implemented. Of course, we can't come out with numbers
3 until we know exactly what we're going to commit to. And
4 that will be something I think down the road we'll be
5 talking about in terms of the funding impacts to CalEPA.

6 --o0o--

7 DTSC PUBLIC PARTICIPATION PROGRAM CHIEF MARXEN:

8 Use of community groups and training, that was a comment
9 that Joe was very strong on as well. We definitely got
10 the message that using community members in our training
11 is important. And I do believe that will go a long ways
12 towards training our staff about environmental justice and
13 public participation.

14 Cultural communications, we're very big. And
15 they are also in the matrix now.

16 Technology, use of technology, when appropriate.
17 And I think the comment here was especially, when
18 appropriate, we do have a technology group here in CalEPA
19 that does look at new technologies and, of course, are
20 very eager to use them. But we all know in some
21 communities there is not that access to the technology,
22 and the tried and true methods of public participation are
23 the best.

24 Feedback, again this was one Joe and Barbara had
25 to hammer me over the head a little bit so I understood

1 exactly what the issue was. But I think I've got it now.
2 Feedback isn't just the formal response to comments. It
3 is responding to questions and concerns and telephone
4 calls and listening to people when they do have concerns.

5 Collaboration with local agencies was very
6 crucial. Information availability was as well.

7 So once I understood all those issues and was
8 able to include them in the matrix -- which I think you
9 now all have.

10 --o0o--

11 DTSC PUBLIC PARTICIPATION PROGRAM CHIEF MARXEN:

12 I put it in Word, which was a little bit easier to read,
13 because we're getting down to about 3-point type. And I
14 put it up in 12-point type, but it's several pages. It
15 was just a little bit easier to read.

16 What I want to do -- I'll skip ahead here. What
17 I want to do is in the next couple of months is to gather
18 additional -- we have gotten a significant amount of
19 public input on this particular issue through the CEJAC,
20 through meetings that were held last fall, and through
21 meetings that we held -- that I've held with individual
22 stakeholders. But I want to continue to get public input
23 on what might make a good public participation policy for
24 the agency throughout October and November. We talked
25 about a survey form. I think that's a good idea. We have

1 an informal telephone group that I want to revive.

2 ADVISORY COMMITTEE MEMBER LYOU: Jim, can I
3 interrupt for one second? Here we go. Malinda is taking
4 care of that. She anticipated my question.

5 DTSC PUBLIC PARTICIPATION PROGRAM CHIEF MARXEN:
6 That hadn't been passed out?

7 ADVISORY COMMITTEE MEMBER LYOU: That wasn't part
8 of our packet.

9 DTSC PUBLIC PARTICIPATION PROGRAM CHIEF MARXEN:
10 I'm sorry. What this is, is -- this is the matrix. But I
11 put it into a Word document so it's easier to see. And
12 what I try to do is follow the train of the original
13 recommendation followed by the original response and then
14 subsequent responses.

15 Anyway, I'm seeking additional comment on what
16 might make a good policy and guidance through October and
17 November. I'll talk a little bit in a second about
18 schedule. Are there any questions about where we've gone
19 so far about this matrix? Certainly, if you do have any
20 questions about what you see in there, feel free to
21 contact me. I'm sure Joe would be able to -- happy to
22 answer your questions, too, or Barbara.

23 Again, the devil will be in the details here when
24 the guidance is actually developed and out for public
25 comment.

1 Now I'll walk you through the matrix. We divided
2 it into five or six different headers. The first one was
3 training. And I'm just going to hit upon a few key
4 points. Extending training opportunities for the public
5 and using the public to provide training for staff, that
6 is something that I feel very strongly about. I think
7 it's very helpful for our staff to have that interaction
8 with the public. And I think it's very helpful to extend
9 training opportunities to the public so they can
10 participate in the same trainings that we're having.

11 By the way, I don't know if our pilot projects
12 folks are here. Yes, they are in the back. I've learned
13 a lot from this West Oakland pilot project just sitting
14 the other night with Margaret and Brian and a group of us
15 were in West Oakland talking about public participation.
16 I think they're going to talk about this later. It's
17 fascinating for us and a learning experience to actually
18 be out there working with the public like this and in a
19 new way with the new mindset. And in doing that, what
20 happens on these pilot projects is going to have a lot of
21 impact on the public participation guidance that we
22 finally develop. It's been a great experience for me and
23 I think my staff.

24 The next highlighted area was availability for
25 information. It was very important that we develop a

1 definition for early involvement. The intent is clearly
2 to have people involved as early as we understand that
3 there is an issue that we need to work on.

4 A point I want to make later on is that we,
5 CalEPA, and my thought is the upper management of CalEPA
6 is very supportive of this, Shankar and Jim Branham, the
7 Secretary, are even getting in before we have issues
8 within a community, develop relationships, and have
9 contacts and discussions before environmental issues rise
10 to the surface so that we don't wait until we have a
11 30-day comment period to engage the public, that there's a
12 long-standing relationship and dialogue going on before we
13 get to that period. Early involvement is going to be
14 important.

15 Also, wide distribution of information providing
16 time for review and comment of proposed actions. Meeting
17 locations and times were critical. Translation is an
18 issue I'll talk about in a minute. I just talked about
19 electronic communications a little bit.

20 Capacity building, this is another area that
21 we're learning about even as we speak. Communities across
22 the state, as we all know, don't have capacity to deal
23 with some of the issues. There's so many issues coming
24 their way. But we need to look at and with your help and
25 the public's help, we need to understand what does

1 capacity mean for that particular community. What kind of
2 things do they need to participate and understand the
3 issues that are coming before them?

4 We have committed to a plain language policy in
5 developing materials in plain language, which is, of
6 course, hard for us bureaucrats.

7 --o0o--

8 DTSC PUBLIC PARTICIPATION PROGRAM CHIEF MARXEN:

9 Using educational institutions that exist within a
10 community. Also using CalEPA's education programs and
11 adult education programs to help improve capacity.

12 The other thing you'll notice in the matrix is
13 the regional approach. I talked about this a few times in
14 front of you, and this is a key to this whole public
15 participation guidance and policy is a regional approach.
16 We need to act like an agency that is coordinating
17 internally as well as externally and deal with
18 environmental issues holistically across the state. And
19 that's the whole point of the regional approach, the
20 public outreach. And that includes that early involvement
21 component.

22 --o0o--

23 DTSC PUBLIC PARTICIPATION PROGRAM CHIEF MARXEN:

24 I did talk about feedback, time lines, and accountability,
25 and responding to comments. I wanted to go into -- any

1 questions on those before I go into other issues where I
2 think we have more hot bottom topics we might want to talk
3 about? Okay.

4 --o0o--

5 DTSC PUBLIC PARTICIPATION PROGRAM CHIEF MARXEN:

6 The other issues, some of them were areas that we agreed
7 to disagree on, or agreed that I didn't -- that the CEJAC
8 maybe needed to take further.

9 The first one was employee evaluations. And I'll
10 let Joe speak if he wants to in terms of what his position
11 was on this. The thought here was that employees who are
12 responsible in working with the public that they be
13 evaluated on a regular basis and their performance
14 appraisals include that from their supervisor. There are
15 a number of issues there that we've gone into that kind of
16 don't make it as easy as it seems. They have to do with
17 bargaining units, standing agreements with employees,
18 legal issues.

19 What we did commit to was for the employees that
20 do have that within their duty statement and it's clearly
21 spelled out, that working with the public is going to be
22 part of their evaluation process that they will be
23 evaluated. We can do that. It's those other employees
24 that don't have that in that.

25 And I think, Joe, you were aiming at more of a

1 broad group of folks.

2 So that's something that I know that CalEPA's
3 upper management is aware of. I've certainly told them
4 about that. That needs to go back to our legal folks and
5 our labor relations folks to deal with. And I certainly
6 invite you to bring that issue up to the IWG later this
7 month.

8 The second issue was translation. This wasn't
9 one that we came to a disagreement on, but we do need
10 input on -- I think Joe and Barbara and I agreed there
11 needed to be a standard set for when this agency provides
12 translation and interpretation services. It's very
13 difficult to come up with a number. Is it 5 percent? Two
14 percent? Ten percent? Three percent? Three-and-a-half
15 percent? And we could certainly use your input on that.
16 Your ideas would be very helpful.

17 The third item was community affairs offices. I
18 think that the issue here was it's a great idea. There's
19 significant budget issues associated with the community
20 affairs office. And, again, we'd certainly look for your
21 direction, help, advise, donations on that.

22 The Small Grants Program I put here because this
23 really has been taken out of the public participation
24 matrix because Shankar now has the Small Grants Program up
25 and running. And I just wanted to point out that's

1 happening.

2 And you want to put in a pitch for the deadline,
3 Shankar?

4 CALEPA DEPUTY SECRETARY PRASAD: Thanks. But you
5 should take the credit because actually the funding
6 actually for the program came from DTSC.

7 DTSC PUBLIC PARTICIPATION PROGRAM CHIEF MARXEN:
8 That's right. And I will put in a pitch. I believe I'm
9 the contract manager on that, too. Come to me, I'll fix
10 you up.

11 Educational Outreach Programs, I put this on here
12 because we have tremendous resources within CalePA,
13 educational resources. And I highly recommend that CEJAC
14 consider bringing back on a future agenda an item dealing
15 with the educational resources and what they can do to
16 increase community capacity. I've talked to the head of
17 CalePA's educational programs, and she'd be happy to come
18 back and talk to you about the resources that she can
19 provide to increase community capacity. I think this is a
20 great idea.

21 The final one, I put tribal communications on
22 here because -- actually, it was one and we took it off.
23 And I put it back on because I wanted to make a point. We
24 are not dropping the issue of tribal communications. It
25 has again been taken out of the public participation

1 effort, per se. Jim Branham, who is now our
2 Undersecretary of CalEPA -- I'm sure some of you know he's
3 leaving the agency -- he committed us to develop a tribal
4 policy.

5 Lenore, you are helping us to bring that about
6 in, can I say six months? Is that okay? No secret here,
7 that in six months we will develop a policy.

8 CALEPA DEPUTY SECRETARY PRASAD: The time frame
9 we have in mind is June 30th next year.

10 DTSC PUBLIC PARTICIPATION PROGRAM CHIEF MARXEN:
11 I was wrong. Thanks, Shankar. But a fairly quick turn
12 around.

13 ADVISORY COMMITTEE MEMBER VOLTURNO: That's news
14 to me. I'll note that in my notes.

15 DTSC PUBLIC PARTICIPATION PROGRAM CHIEF MARXEN:
16 We do have a work group set up to work on that, so that
17 will no longer be a part of public participation effort.
18 But I'm sure you'll be hearing updates about it as we go
19 along.

20 --o0o--

21 DTSC PUBLIC PARTICIPATION PROGRAM CHIEF MARXEN:
22 The schedule --

23 CALEPA DEPUTY SECRETARY PRASAD: Jim, just a
24 point of clarification. It's been moved out of the public
25 participation, because we kind of learned and heard loud

1 and very clear that the tribes do not want to be involved
2 as an afterthought or as a stakeholder and have that
3 process as a the public participation as a way of means of
4 communication with them. They wanted it to be very
5 clearly established that they are of a sovereign nature,
6 and they want to maintain that aspect of it. And any kind
7 of communication between the two agencies, other agencies
8 within this building, has to happen in a due process.

9 They do not mind to be a part of the stakeholder
10 table. But as far as it came to the question of getting
11 their input and so on, they wanted a different footing and
12 that will clearly be understood. And since this was how
13 the agency will proceed and each of the BDOs will proceed
14 and it also involved some of the legalities that we may
15 have to face, it was decided to set up a separate
16 stakeholder process and deal with that and come up with a
17 common framework, so that each department does not go its
18 own way of doing things. And we had a one full-day
19 workshop which was a very well attended by the Senior
20 Executive Staff and a couple of members from this
21 Committee as well. So it is with that intent that that
22 aspect was moved out of public participation and started
23 out as a separate effort.

24 DTSC PUBLIC PARTICIPATION PROGRAM CHIEF MARXEN:
25 Thank you, Shankar.

1 The schedule is basically to develop some draft
2 guidance by early next year and begin having public
3 meetings on that. The challenge that we face is that we
4 have in CalEPA many different decision making processes.
5 We have statewide rule makings. We have Board processes.
6 We have different statutes that govern each BDO's public
7 outreach process. We are working internally to identify
8 those processes and how they work and how these different
9 guidelines within the matrix are going to be met by those
10 processes.

11 So it's almost like weaving a garment of sorts
12 where you're trying to develop a pattern -- a consistent
13 pattern out of many different pieces of cloth, and it will
14 take some time to do that. And that's not an excuse. I'm
15 trying to build up to give you a realistic expectation why
16 we can't have a draft policy out tomorrow.

17 I wanted to be the best representation of the
18 matrix that we developed while also reflecting those
19 different decision making processes that we have in
20 CalEPA.

21 So I do feel it's realistic to have a draft of a
22 guidance document out for public review in March.

23 --o0o--

24 DTSC PUBLIC PARTICIPATION PROGRAM CHIEF MARXEN:
25 I certainly look for any input that you have on how best

1 to get the word out to hold public comment periods or to
2 have public meetings, to get people together and to get
3 them to the information they need to be able to understand
4 that, the processes we're talking about.

5 What obviously my first take is that we are going
6 to have workshops up and down the state on this guidance.
7 Of course, there's no dates and times set right now. We
8 do have an end point of --

9 --o0o--

10 DTSC PUBLIC PARTICIPATION PROGRAM CHIEF MARXEN:

11 -- July 1st, 2006, for a final guidance. And to get
12 there, we do have to get the public comments that we
13 gather from CEJAC and from the general public workshops,
14 revise the public guidance, get it to IWG in time for them
15 to review it, make any final comments on it, and to vote
16 on it and make any revisions that IWG requires and get a
17 final document out on July 1st.

18 I think this is a very doable schedule. I'm
19 pretty optimistic about it. I want to say I do think the
20 things that Joe and Barbara and I talked about will change
21 the way CalEPA does business. A very important part of
22 that will be the regional approach.

23 --o0o--

24 DTSC PUBLIC PARTICIPATION PROGRAM CHIEF MARXEN:

25 So that's it.

1 CO-CHAIRPERSON ALLEN: Do we have any questions
2 from the public regarding this agenda item first?

3 What about Committee members? Bill.

4 ADVISORY COMMITTEE MEMBER JONES: I was just
5 wondering if given our discussions this morning if you've
6 given any thought to that whole concept of advisory groups
7 being put into your document so that you can put some
8 structure or some suggestions in terms of how to move
9 forward on all these different projects, number one.

10 Number two, I notice that in some groups there's
11 LAGs. In other groups there's LAGs and TAGs. And other
12 groups there's LAGs and TAGs and MAGs. I don't know.
13 Maybe there's some guidance that you can suggest or come
14 up with in order to suggest when LAGs should have TAGs or
15 when TAGs are appropriate or when LAGs actually have both,
16 so that people know that, you know, there's some structure
17 to that. But the first point goes back to what I heard
18 this morning which was we need structure, and we need some
19 expectations there. And maybe by building that into the
20 guidance, it might be helpful.

21 DTSC PUBLIC PARTICIPATION PROGRAM CHIEF MARXEN:
22 That's a great idea.

23 ADVISORY COMMITTEE MEMBER LYOU: Jim, I want to
24 thank you for all the work you put into this. You made a
25 lot of progress in a short amount of time.

1 One thing that I think needs to be clarified is
2 that the final product here is going to be a guidance
3 document.

4 DTSC PUBLIC PARTICIPATION PROGRAM CHIEF MARXEN:
5 It will be a policy and guidance document.

6 ADVISORY COMMITTEE MEMBER LYOU: A policy and
7 guidance document. It's not going to require the adoption
8 of regulations, nor any legislative changes?

9 DTSC PUBLIC PARTICIPATION PROGRAM CHIEF MARXEN:
10 I'm not anticipating that. We have attorney over here
11 that would probably correct me.

12 ADVISORY COMMITTEE MEMBER LYOU: I know that in
13 terms of the public, I'm anticipating two years down the
14 line or five years down the line when someone takes a look
15 and says, this is a policy and guidance, but is it
16 enforceable? So what's coming to mind now is maybe we
17 need to do a screen of this to see whether or not when we
18 get to the level of actually coming out with the draft, is
19 it necessary to change things in a way so that there are
20 guarantees for members of the public who want to
21 participate, not just guidance that's not enforceable.

22 CO-CHAIRPERSON ALLEN: I just have one question,
23 and it really is the last comment when you said this
24 document is both policy and guidance. Can you interpret
25 very quickly what that means in terms of policy? I

1 understand guidance. But what does that mean?

2 DTSC PUBLIC PARTICIPATION PROGRAM CHIEF MARXEN:

3 Well, I'm going to defer to the attorney. But I'll take
4 my vision of it is that the policy applies to how we
5 conduct our business with the public. And guidance is the
6 actual how to conduct that. The policies as I envision
7 them will be overarching statements as to how the
8 management of this agency expects its employees to do
9 business.

10 Debbie, did I go way off there?

11 CIWMB ADVISORY COMMITTEE MEMBER BORZELLERI: No.

12 I think you did well. If you ask the Office of
13 Administrative Law, they say almost every policy would be
14 an underground regulation if it's not adopted under their
15 rules. But I think we can look at this and try to make
16 sure that it doesn't violate that.

17 And you know, it's always a case by case
18 determination as to whether it needs to be a regulation
19 or an actual policy. So you know, I'll be happy to work
20 with you all to ensure that it's as enforceable as
21 possible without, you know, violating the Administrative
22 Procedures Act.

23 CO-CHAIRPERSON ALLEN: Thank you.

24 CIWMB ADVISORY COMMITTEE MEMBER BORZELLERI: If
25 that doesn't confuse you more.

1 ADVISORY COMMITTEE MEMBER CLARK: It looks like
2 we're moving in the right direction in terms of developing
3 meaningful public participation guidance. But, you know,
4 all these in the final end look at how these guidelines
5 are implemented in communities in actual practice, and
6 that's really where the tests are comes at for me.

7 Just to give you one example, you know, about a
8 month ago at the one of the -- where we call it LAG or CAG
9 are for the Zeneca site in Richmond there. I mean, we're
10 talking about public participation, but there was no
11 public comment period on the agenda at all, you know. And
12 so if the members of the public would not have raised
13 that, we could have possibly -- well, that would have
14 never happened with me at the meeting anyway.

15 But the point is that there was no, you know,
16 public participation or no public comment on the agenda,
17 you know, at all. And so in terms of -- and it's like
18 many things, you know, we can come up with documents.
19 There's a lot of documents floating around in society with
20 a lot of good words and things. But it turns up the
21 implementation is what it really comes down to. So I'm
22 eager to see how all of this plays out in the real life of
23 our community.

24 DTSC PUBLIC PARTICIPATION PROGRAM CHIEF MARXEN:
25 I think the issue of accountability that Joe had been

1 fighting for is crucial in that area. And I think that in
2 my mind an element to have in this process is not only the
3 individual accountability, but the agency accountability
4 in providing a forum for that accountability. If I can
5 take Bill's idea a step further, it might be a good idea
6 to have a group like yourselves perform some kind of audit
7 on the BDOs.

8 ADVISORY COMMITTEE MEMBER LYOU: Careful what you
9 ask for there, Jim.

10 CO-CHAIRPERSON TAKVORIAN: Lenore and then David.

11 ADVISORY COMMITTEE MEMBER VOLTURNO: I have a
12 question. My question is going back to what Henry said.
13 Do you have any visions at all yet of how that policy is
14 going to be implemented? Is it going to be through
15 training? Is it going to be through a booklet? Or is
16 that going to be set out?

17 Because a lot of times in my experience what
18 happens is you develop this policy book or something and
19 the agencies are supposed to follow, and then it sits on
20 somebody's desk. And no one ever reads it. Or you start
21 out with this great training program, and there's not much
22 follow-up, and when there's turnover -- how are those
23 kinds of issues going to be addressed? Are you going to
24 address those in the context of your planning?

25 DTSC PUBLIC PARTICIPATION PROGRAM CHIEF MARXEN:

1 Yeah. The first issue that -- I didn't go into it. It
2 was under training. The first goal is to write the
3 guidance, of course, because you can't hold anybody to a
4 standard if you haven't set the standard. But the next
5 thing to do is to develop the training. And the next
6 phase, next summer I envision a group similar to the
7 internal group like we have now is to develop trainings
8 that address that, the goals and the guidelines.

9 There's already a lot of that training available.
10 It's just, where is it and how assessable is it? Can it
11 be improved? That really addresses that. And then to
12 develop that matrix. Again, that's something that you
13 will see as CEJAC. And, again, maybe having an audit
14 function where there's a public participation advisory
15 group that would also play a role in that. You have some
16 public input into it. And then the third phase, of
17 course, is again the accountability. You give people the
18 rules. You give them the tools to follow the rules, and
19 then you evaluate them. And, again, we're kind of stuck
20 on the evaluation part as to who we can evaluate. But if
21 you're evaluating individuals and the agency, there is
22 some accountability.

23 And I will say this, that both the Secretary and
24 the Undersecretary and Shankar have made it clear to all
25 the BDOs, you are going to follow this guidance. This is

1 a very top-down approach to it. Obviously, all of the
2 BDOs have their public involvement process and are very
3 good at it. But in terms of a consistent policy, it has
4 the support of the very highest level in this agency.

5 ADVISORY COMMITTEE MEMBER VOLTURNO: My concern
6 comes back to that's the people who are here now. We know
7 Jim is going to be leaving. As administrations change, I
8 want to know we have something that's going to stand the
9 test of time in different administrations. That's where
10 my concern lies.

11 DTSC PUBLIC PARTICIPATION PROGRAM CHIEF MARXEN:
12 And there is an element of that. When you get a new
13 administration, there may be a different focus. But,
14 clearly, the momentum now is this is very, very important.
15 It's at the top of the pile. And that has carried over
16 from the previous administration as well.

17 ADVISORY COMMITTEE MEMBER VOLTURNO: Thank you.

18 DTSC PUBLIC PARTICIPATION PROGRAM CHIEF MARXEN:
19 And you guys aren't going away. You'll be here.

20 CO-CHAIRPERSON TAKVORIAN: David.

21 ADVISORY COMMITTEE MEMBER ARRIETA: Way back when
22 we were doing the conference call exercises, we discussed
23 the issue of how the guidance -- that we were talking
24 about guidance and that it was going to -- really, the
25 objective is to make sure that full public participation,

1 early public participation, and communication with the
2 public is part of anything and everything that CalEPA
3 does. But it needs to be in such a way that you generate
4 that kind of public participation without getting so
5 bureaucratic that you end up delaying the permitting
6 process, delaying getting the decision making process
7 because the structure requires a lot of very step-wise
8 kinds of exercises.

9 And, you know, we fully support the public
10 participation process. But it needs to be done in the
11 context of all the other elements that we have to deal
12 with so that permitting doesn't get bogged down or
13 sidetracked and derail projects that are vital for
14 everybody.

15 DTSC PUBLIC PARTICIPATION PROGRAM CHIEF MARXEN:
16 Before I go away, I want to introduce -- I have a new
17 counterpart that I want to introduce to you. Shankar
18 asked me to introduce Bill Rukeyser, who's sitting behind
19 me.

20 Bill, do want to stand up?

21 He is a familiar face around here. Bill and I
22 worked together for a few years in the prior
23 administration, and Bill is back as my counterpart in
24 Public Participation Program at the State Board. And I'm
25 really looking forward to working with Bill.

1 SWRCB OFFICE OF PUBLIC AFFAIRS INFORMATION

2 OFFICER RUKEYSER: Thank you.

3 CALEPA DEPUTY SECRETARY PRASAD: Do you want to
4 say a few words?

5 SWRCB OFFICE OF PUBLIC AFFAIRS INFORMATION

6 OFFICER RUKEYSER: Sure. Thank you. Thank you very much.
7 I'm very glad to be back in the building. I've already
8 met some of you. Romel, who used to be a colleague of
9 mine, has introduced me. And I look forward to meeting
10 those people that I haven't yet. I've been here a full
11 week now as of today.

12 I am looking forward to making sure that the
13 State Water Board has a very effective and vibrant Public
14 Participation Program. And I look forward to hearing from
15 you about concerns or projects around the state that you
16 want us to or me to become personally familiar with. And
17 I expect to be spending a lot of my time outside of
18 Sacramento. And I'm going to be looking for suggestions
19 on areas of interest.

20 My background, I've worked obviously here at
21 CalEPA before and other agencies for the state government.
22 I've also worked for the federal and tribal governments in
23 the past and also for environmental and educational
24 nonprofits.

25 My original background was also gathering

1 information in a very different way in the news business
2 in the San Francisco Bay Area. So I expect to be bringing
3 a lot of the things that I've learned in prior assignments
4 to this job and making sure that the State Board has a
5 very effective program, and helping the Regional Boards
6 with their programs as well. So I look forward to meeting
7 all of you individually. Thank you.

8 CO-CHAIRPERSON TAKVORIAN: Thank you.

9 So thank you very much for your presentation. We
10 have a comment from a member of the public on both the
11 public participation, as I understand it, as well as on
12 West Oakland, Margaret, is that correct? If you wanted to
13 come forward, and I can ask you to do both.

14 MS. GORDON: Can I have my counterpart come sit
15 also?

16 CO-CHAIRPERSON TAKVORIAN: But while you're
17 getting ready, I just wanted to check in with folks that
18 when Dee asked you earlier about folks that need to leave
19 before 6:00, we were we talking -- do we lose our quorum
20 at 5:30? How many people need to be out of here at 5:30?
21 By 5:30? By 5:00?

22 ADVISORY COMMITTEE MEMBER HARRIS: I'm leaving at
23 2:45.

24 CO-CHAIRPERSON TAKVORIAN: That wasn't one of the
25 options. So maybe we should do -- I'm just trying to

1 figure out if we need to --

2 ADVISORY COMMITTEE MEMBER HARRIS: I have an
3 alternate.

4 CO-CHAIRPERSON TAKVORIAN: After public
5 comment -- we'll go ahead with public comment, but I want
6 to be sure that we get to everything within that period of
7 time. So we're really aiming for 4:30, 5:00.

8 MS. GORDON: My name is Margaret Gordon. I'm
9 from Oakland, California. My organization, my community
10 organization is called the West Oakland Environmental
11 Indicators Project. And I have been -- this year alone
12 have been part of our -- part of observing the public
13 participation process, three of them in Oakland and one in
14 Richmond. When Henry said that the issue about -- the
15 issue was brought up about having public comment into the
16 Zeneca project, I'm the one who brought it up. Because
17 the staff did not see that was a necessity into the
18 agenda. So my experience has been within Richmond with
19 the CAG is that the staff have led the process, not the
20 community led how it's going to be shaped. That's a
21 problem with me.

22 It seems as though what is on the website as what
23 the different steps it says for the community public
24 participation process is not being put forth as what the
25 content is supposed to be for the community to be

1 participating in.

2 When my second project that I've -- my other
3 projects I've been engaged is from around the development
4 from West Oakland with the Regional Water Board. Theirs
5 is completely different -- completely different from what
6 DTSC has laid out. The other one that I've been dealing
7 with, participating in, is with the local pilot project
8 for West Oakland. That one we was able to shape to tailor
9 to what the community wanted and develop this trust
10 process with DTSC based on our other work that we have
11 done with U.S. EPA Region 9.

12 So I'm saying the content is all different.
13 There's no universal, uniform process for a TAG, a LAG,
14 any of these things. It's not uniform. And if you're not
15 going to be uniform so the staff understands, the
16 community understands what you're doing and you're not
17 doing and there's no oversight, it's nothing. It's a
18 problem. It's a problem, especially to CARB and to the
19 residents, because you are instituting something that
20 people are going to see don't really follow the full gist
21 of what the process is supposed to be.

22 I learned about public participation process
23 along with Kristen Estrada, Rey Leon from U.S. EPA sent us
24 to a training. And so I have a good base of what it's
25 supposed to be. But it's still not universal from the

1 feds to the state. I'm saying if you're going to do a
2 public participation process, it needs to be uniform, very
3 uniform, very detailed, very crisp, very clear, very plain
4 for people to understand what the what, how, when,
5 whatfores, all those things to be answered. Not so when
6 the staff comes forward they give their interpretation of
7 it. We need to be able to be very clear, just like ABC,
8 1, 2, 3, it needs to be that clear. I'm just saying that
9 everybody has been twisting and turning their
10 interpretation of what a public participation process is.

11 CO-CHAIRPERSON TAKVORIAN: Thank you.

12 And would you like to introduce yourself, Brian?

13 MR. BEVERIDGE: I'm Brian Beveridge. I'm
14 Co-Chair with Margaret on the West Oakland Environmental
15 Indicators Project, and appreciate the opportunity to be
16 here.

17 The comments I want to make are as I look through
18 the notes from the other participation guidance
19 recommendations, I think that they're the things we've all
20 been struggling with. But three things that we always ask
21 are capacity and sustainability. And that is the capacity
22 to do what? And to sustain what? And then we ask, what
23 are we defining as public participation? Who is the
24 public we're interested in having at these meetings?
25 Who's input we're looking to get.

1 Certainly, it hasn't worked out. These mandates
2 we have now for public participation come because our
3 political representation hasn't been quite enough,
4 presumably. We have to ask ourselves if what we call the
5 grass tops representation is enough. Is it enough that
6 Margaret and I and many of us at this table who represent
7 more community leadership voices are enough to have at
8 those tables. If we're not enough, and it seems like
9 we're probably not, because we're always trying to get
10 residents, individuals, to come to meetings and provide
11 input, then how do we get the capacity and those residents
12 to provide informed input?

13 I appreciated comments I believe the gentleman
14 from the South Bay Air District made earlier about there's
15 two kinds of meetings, one in which we gather input that
16 is essentially anecdotal about people's lives: I think I
17 have this problem, and maybe it's relative to whatever
18 this town hall meeting was called for. The other is when
19 we have an informed public that's able to engage in the
20 dialogue about the issue we're interested in.

21 I heard the dialogue earlier about pesticides,
22 whether to test for this pesticide or that one and whether
23 one test could overlay another test. Now, I couldn't walk
24 into a public meeting and have any meaningful dialogue. I
25 would actually feel like I had wasted my time coming to

1 that meeting, because how can I have that if I haven't got
2 any basis of knowledge in that discussion?

3 So one of the things that we think about in
4 capacity and sustainability is how do we build the
5 capacity in a community to sustain the long-term needs of
6 these kinds of dialogues? Because as we're all struggling
7 with, you can't have an ever -- you know, this revolving
8 door of community members that come to meetings and don't
9 really have a basis of understanding of what's happening.
10 And the meeting tends to be retreading the information
11 over and over again just to try to get people to some
12 level of conversation. And yet, we're not certain that we
13 can solve that by simply electing an eleven-member board
14 that contains two members of the community and two members
15 from industry and two members from this group and two
16 members from that group who are going to come to meetings
17 for the next two or three years and presume that in that
18 period of time they've maintained an understanding of the
19 public need.

20 This really brings us around to a philosophy of
21 funding for public participation. And the one thing I
22 would like to throw out today is that one thing I promised
23 to say -- and it's not an obligation, I'm happy to say.
24 I'm very happy with the dialogue that we've established
25 with DTSC in West Oakland in their LAG pilot project.

1 We've worked them into -- we invited them to become
2 participants in our broader toxics reduction collaborative
3 that we put together with U.S. EPA that we Co-Chair and
4 all the work groups are Co-Chaired by community members.
5 That's been one effort to make sure the community voice is
6 at every level of that project so in a sense community
7 members get to kind of guide that discussion.

8 But in order to sustain that kind of work, we
9 have to constantly be training community members in the --
10 not only in the basic science of the issues at hand, but
11 in the process of collaboration and in the process of
12 participation. We don't just walk into this. All of us
13 learned how to do this over a period of time. And that
14 requires -- I won't say what kind of -- what kind of
15 funding for community members, because it becomes a very
16 controversial issue about how we move dollars into the
17 pockets of community members so they can participate. But
18 I think that there are a variety of ways we can build
19 capacity in communities, that we can build leadership in
20 communities so people can continue to participate.

21 And one of the ways I could suggest -- we are
22 often told, yes, we know you need funding. Here's a URL
23 for a website for an upcoming grant application, so go for
24 it, right? We can't promise it to you, because it's very
25 competitive, of course. Well, the problem is we need

1 funding for the project you want us to work on with you,
2 not an arbitrary project we might be able to grant for.

3 What we'd like to see happen is that the agencies
4 prioritize grant funding to correlate with the pilot
5 projects that you want to see successful in the
6 communities. And that may be a complete change of funding
7 philosophy. I have no idea. But it's a way to say that
8 we feel the pilot project is important, and it's important
9 enough to figure out a way to fund the public's
10 participation in it.

11 I think that's all I can say about the issue. I
12 appreciate the opportunity to come and speak.

13 CO-CHAIRPERSON TAKVORIAN: Thanks. So I've got
14 Mike and Joe.

15 ADVISORY COMMITTEE MEMBER DORSEY: I find it an
16 interesting concept with regard to funding the public
17 participation. Do you have any ideas on how that money
18 would be distributed to ensure that we get to the right
19 people and how those people would be -- what is your
20 thoughts on how that money would be used for public
21 participation?

22 MR. BEVERIDGE: We would use money like that for
23 specific -- we would do our normal public outreach process
24 gathering our members, our community members in, and we
25 would look for -- I mean, it has to be based on interested

1 parties in the first place. We can't drag people to the
2 table. But through an exercise of self-prioritizing
3 within the community, which is where we always look for
4 the community members to lead this process, we would want
5 to offer people some levels of training around the
6 specific issues at hand and around the process necessary
7 to participate.

8 Some of our members -- Margaret has been through
9 collaborative process training. It's one of the reasons
10 she's able to come to these things and be such a
11 productive member. She understands the process. And she
12 understands collaboration much better than a lot of people
13 do. That's the kind of thing.

14 I mean, in a neighborhood like West Oakland, the
15 people you want to bring to the table don't have basic
16 science understanding. When you sit and talk to -- sit
17 and hear a Power Point presentation about the local Super
18 Fund site, well, they can tell us almost anything. And
19 all we can say is, "Really." You know, you say those
20 levels are not harmful, we don't understand the levels
21 you've used. We don't understand where they've come from.
22 There's a lot of basic capacity building. And that might
23 be done through schools. We'd love to integrate this kind
24 of information into local science curriculum.

25 There are -- the truth is, I don't know exactly

1 how that would happen. And I wouldn't presume to tell you
2 how that would happen. Communities have a tremendous
3 amount of innate understanding about how to get things
4 done and what's necessary. And I'm always surprised when
5 I go to a meeting and I think I understand what should
6 happen and new voices tell me differently. And they're
7 right.

8 So the question is, can we begin to have that
9 dialogue about how this kind of funding could happen?
10 Because I know it's a stumbling block in a lot of
11 discussions, that somehow the community should be
12 interested enough to volunteer all their time to
13 participate because it's in their best interest. But I
14 think it's ultimately in all of our best interests and we
15 need to carry that dialogue a little deeper.

16 CO-CHAIRPERSON TAKVORIAN: Joe.

17 ADVISORY COMMITTEE MEMBER LYOU: I had a brief
18 comment in response to one of the things that Margaret
19 said about the complexity and the inconsistency of public
20 participation provisions between agencies. And I think we
21 have to point out within agencies we have that project,
22 too. If you look up, you know, what you're guaranteed
23 under a cleanup under Chapter 6.8 or 6.5 of DTSCs
24 statutory requirements, it completely differs. And Angelo
25 Logan came up against this issue already just a couple

1 weeks ago when they're talking about forming a Local
2 Advisory Group. The fact the facility they're interested
3 in is going to be cleaned up under a different chapter of
4 the statute means that they've given completely different
5 options in terms of public participation.

6 So I think when we talk about this, we do have to
7 think about overall guidance and things that are clear.
8 And I love the ABC, 1, 2, 3, because it needs to be that
9 simple, because people from the outside without having
10 spent 10 or 15 years dealing with regulatory agencies have
11 no concept whatsoever what they're entitled to in terms of
12 participating in agency decisions.

13 MS. GORDON: I would like to add that one of the
14 needs are for getting the community, someone has -- we
15 cannot depend on the agency to do the outreach. That
16 would be unfair, because they don't have relationships
17 with the residents.

18 Our role as an environmental justice group is to
19 have the relationship with the residents and the agency
20 and pull the residents into the process to understand
21 where is this going. How does this work. What am I going
22 to get out of it. What is my self interest in dealing
23 with this. If those things are not being articulated as
24 we move forward to have a product, an end product on this
25 LAG, TAG, CAG, you won't -- because there is no -- if we

1 don't have an end product, it's a waste of time. You want
2 to be able to have an end product. Somebody has to be
3 paid to do that. Slavery is over. If you volunteer, hey,
4 that's your business. But some of us cannot afford to
5 just volunteer. I like to do this work. Me, myself
6 personally, I'd like to get paid. I love doing it, and I
7 want to get paid. Whatever has to be done.

8 So I'm saying that has to have that kind of
9 participation. If the agency wants to do it on their own,
10 that's their business. Let me get out of the way. Let
11 them form those relationships and get that end product
12 they want. It'd be a different product with individuals
13 who have some kind of glue to the community being engaged
14 when they don't have it. If they want to do a cold case,
15 let them do it. But you need -- but there needs to be
16 something built in to ensure that that product that the
17 agency wanted at the end of the day is fulfilled.

18 CO-CHAIRPERSON TAKVORIAN: Are you still up?

19 Mike and then Martha.

20 ADVISORY COMMITTEE MEMBER DORSEY: Just as a
21 follow up. Again, I think it's an interesting concept,
22 and I think you've already come up with some additional
23 ideas.

24 What would a community think if funding like this
25 were available that you could hire your own consultant to

1 assist you with the evaluation of a project that might
2 be -- so independently funding would be available to you.
3 You'd hired a consultant to maybe have that technical
4 expertise, but be independent of the process itself and
5 provide that you technical advise as community members.
6 What are your thoughts on that?

7 MS. GORDON: My thoughts are at the end of the
8 day, will the consultant be able to leave his talent, his
9 input, his technical information into the community? If
10 you can't be able to do that, I don't need you in my
11 community. If you can't leave something, if you're not
12 going to make that commitment to leave something, I don't
13 want you there.

14 MR. BEVERIDGE: The Technical Assistance Grants
15 are very valuable and very valid to communities. I think
16 the question -- and just sort of reiterate what Margaret
17 is saying we're -- in capacity building and
18 sustainability, we're looking to build capacity in the
19 community to do this kind of work. To build people's
20 understanding, not just let me explain the report to you.
21 But an understanding of what this means, how it means it,
22 and how you can carry this to the next meeting you go to.

23 I won't suggest it's easy. It's a new area that
24 we need to look at. Because we wind up with small cadres
25 of people in communities doing this work, and they burn

1 out. And they have to quit, and they have to go get jobs.

2 And there are some very simple things, like stipends for
3 child care so people can come to meetings in the evening.

4 You know, I hate to bring up food, because it's
5 always -- you can't pay for food. The government doesn't
6 believe anybody should eat, I guess. But most of the
7 meetings we have have to be held at dinnertime so people
8 can come to them. You know, there's transportation for
9 people that need to get to meetings. There's a fair
10 burden of staff time involved. You know, we can get a few
11 people together and make some calls and do outreach and
12 bring them together.

13 But in order to have continuity, you know each of
14 the agencies or industry representatives comes to these
15 meetings is on a salary and develops a continuity across
16 the project lifetime. In order to have that in the
17 community, you have to support individuals who can have
18 that continuity, who can stick with it.

19 You know, we're not talking about hiring a lot of
20 full-time people, but some mechanism by which to support
21 that process financially. Like I say, I'm not sure what
22 all the answers are. It's really something that needs a
23 broader dialogue like this.

24 CO-CHAIRPERSON TAKVORIAN: I think I'm going to
25 take one more public comment and then wrap it up so --

1 ALTERNATE ADVISORY COMMITTEE MEMBER ARGUELLO: I
2 think there is a tremendous amount of experience around
3 some of these issues of capacity building and technical
4 assistance and training actually at this table and in the
5 room. And I think it's an interesting discussion, but I
6 think it goes back to if you look at even the grants
7 programs and the level of reporting and sort of intensity,
8 it is a disincentive for some organizations to actually
9 apply that could do a lot of that training and technical
10 assistance and capacity building. And so it'd be great if
11 the Committee could look at ways to look at models that
12 have been used. Liberty Hill has an environmental justice
13 institute and community funding board and ways they get
14 resources to communities and build capacity.

15 And I've seen over the three years that we've
16 been part of this process community members who have been
17 consistently coming have seen their capacity increase
18 without a whole lot of intentionality. I mean, just sort
19 of coming to the meetings and figuring it out. But it
20 would be great if we could provide that ongoing leadership
21 development, public speaking, how to develop messages, how
22 to read documents and be able to comment on them. And
23 those tools I think would be really important, and leave
24 an investment in those communities. And, of course, what
25 I learned after working on the tobacco programs is that

1 food is an incentive. And you can put an incentive budget
2 in your proposal.

3 CO-CHAIR TAKVORIAN: The last.

4 ADVISORY COMMITTEE MEMBER DORSEY: I'd like to
5 make a motion. I'd like to make a motion that we have Jim
6 Marxen as part of the Public Participation Pilot Project
7 take this idea back and evaluate this idea as to how there
8 might be potential for funding public participation, what
9 those options might be.

10 ADVISORY COMMITTEE MEMBER LEE: I'll second that.

11 CO-CHAIRPERSON TAKVORIAN: Great. Discussion.

12 CIWMB ADVISORY COMMITTEE MEMBER BORZELLERI:
13 Watching things that are going on, I've talked to Shankar
14 a little bit, and I just want to bring us back to the role
15 of the Advisory Committee. I don't think we can make
16 direct recommendations to the staff, but this can
17 certainly come forward to the Secretary and the IWG. And,
18 you know, I'm sure Jim will be supportive of it and try to
19 work for it. But I just want to sort of make that clear
20 without being too heavy about it.

21 ADVISORY COMMITTEE MEMBER DORSEY: Then I'd like
22 to revise my motion that the Committee -- our Committee
23 would make a recommendation to the Secretary of CalEPA to
24 look at or have a discussion with Jim Marxen about the
25 possibility of adding to the Public Participation Pilot

1 Project of the funding of public participation and what
2 those options might be.

3 ADVISORY COMMITTEE MEMBER LEE: I'm fine with
4 that amendment.

5 CO-CHAIRPERSON TAKVORIAN: Any further
6 discussion?

7 Henry.

8 ADVISORY COMMITTEE MEMBER CLARK: I support the
9 idea. But my concern is that I hope if such a
10 recommendation was approved that it didn't come back with
11 a lot of restrictions and change it around that limited
12 the community's people to do exactly what we are talking
13 about in terms of getting people involved, you know.
14 Because although the Small Grant Program that we have in
15 place now is good that is in place, but personally, I
16 think there's a whole lot of restrictions on there that
17 should not be on there, you know. You can't use the money
18 to, say, go after an agency or company, you know. And
19 that's ridiculous because of the fact that, you know, in
20 terms of many of our problems in our communities, some
21 agency or company is the problem, you know. But you don't
22 want to, you know, give a community money and resources to
23 do those types of things. And, you know, so on the one
24 hand we're moving one step forward and it's like two steps
25 backwards.

1 So hopefully if the recommendation goes forward,
2 you know, and there are some resources available to
3 community groups to increase their capacity for public
4 participation, you know, that it don't end up having a
5 whole lot of strings attached to it that really becomes an
6 obstacle, or inconsistent with the spirit of environmental
7 justice.

8 CO-CHAIRPERSON TAKVORIAN: Okay. I guess I want
9 to really thank you for bringing this forward, and also
10 just say that I really support the motion that Mike's
11 made.

12 And I guess, for me, it was in the context of
13 expanding the CalEPA's thinking about public participation
14 and acknowledging the disparity between the various
15 stakeholders that come around the table. And I think you
16 both did an excellent job of describing those disparities
17 so that if we seek to achieve public participation, if we
18 don't acknowledge those disparities, it's not going to
19 ever be genuine, authentic, real, and the way we all want
20 it to be.

21 So, in a way, I know you're talking about
22 funding. And, Mike, you identified funding. But it's
23 really not just about a funding stream, but a different
24 way to look at the framework. So I don't know that it's a
25 whole separate idea. I think we were giving feedback, and

1 this is a very direct piece of feedback to Jim for the
2 public participation element. I mean, I'm just hoping
3 that you can hear it as that as well, and it can still go
4 to IWG. But that's the spirit in which it was intended as
5 well. Is that fair?

6 ADVISORY COMMITTEE MEMBER DORSEY: Yes.

7 CO-CHAIRPERSON TAKVORIAN: If we could call for
8 the question.

9 MS. GORDON: Thank you.

10 CO-CHAIRPERSON TAKVORIAN: Thank you.

11 All those in favor.

12 (Ayes)

13 CO-CHAIRPERSON TAKVORIAN: Opposed?

14 Abstention?

15 Okay. So we have --

16 CALEPA DEPUTY SECRETARY PRASAD: Since many of
17 you have expressed a lot of interest in this particular
18 aspect, and I have also talked to Alan Lloyd quite a bit
19 on this and how it can move forward, and we also recognize
20 this as a major issue is this an item that you as CEJAC
21 would like to have a discussion with the IWG at the
22 upcoming meeting on the 25th? If you think this is a
23 priority and some action needs to happen, the meeting is
24 open for the Committee to come up with something and be
25 able to have that why you think that has to happen now, in

1 addition to being explored under the pilot project, the
2 aspects and evaluation of it in Jim's aspect.

3 ADVISORY COMMITTEE MEMBER WALLERSTEIN: I think
4 it would be a good idea for us to have a detailed
5 discussion and for the IWG to be able to hear from the
6 public as well as Committee members in terms of some of
7 our personal experiences, because I think we have a good
8 cross section of Committee members on this Committee that
9 have direct experience in these issues. And some of us on
10 the agency side are contemplating similar things and
11 trying to decipher what's the best approach for us at our
12 home agencies as well.

13 CO-CHAIRPERSON TAKVORIAN: So later, I think
14 that's what you were advancing, we're going to be talking
15 about the input the Committee would be giving to the IWG.
16 So we'll put that on the list and look at what the overall
17 report would be.

18 So we have additional public comment. And I
19 think if we can, we'll move forward with this. And then
20 the way I've calculated it, we have, at least between the
21 cumulative impact discussion and then the preparation for
22 the presentation to IWG, the election of the Co-Chairs, at
23 least an hour and a half in those items. So we need
24 really to close public comment by 3:00 if we possibly can.
25 So to just to put that out there as a goal.

1 So Maria Downing.

2 ADVISORY COMMITTEE MEMBER WALLERSTEIN: Can I ask
3 a question?

4 CO-CHAIRPERSON TAKVORIAN: Yes.

5 ADVISORY COMMITTEE MEMBER WALLERSTEIN: First
6 off, I, for one, don't know that I'm comfortable closing
7 public comment. I want to make sure if people traveled a
8 long distance they have a reasonable opportunity to speak.
9 I don't know how many speakers you have.

10 And, secondly, I think it's important for us to
11 take up before members start to have to leave the election
12 of the new Chair and Co-Chairs. I would like to see that
13 done while we have as many members here as possible.

14 CO-CHAIRPERSON TAKVORIAN: Well, that's what I'm
15 trying to achieve. So, I mean, there have to be some
16 limitations. That's why I thought if everyone could be
17 keeping the public comment -- of course, the six
18 presenters that have signed up are going to come forward.
19 The Committee members have some control over that in terms
20 of the comments and the discussion that we take on. So
21 that's what I was asking for. So the Committee Chair
22 election comes immediately after the public comment.
23 We'll get there as quickly as we can.

24 Maria.

25 MS. DOWNING: Hi. My name is Maria Downing, and

1 I'm a resident from Midway Village. I live on Cypress
2 Lane, which is the highest contaminated street I believe
3 in the whole city.

4 But I'm basically here again to remind all of you
5 that I'm still dying in Midway and still suffering in
6 Midway and suffering from psychological disorders,
7 depression. I suffer from chronic conjunctivitis, and it
8 never goes away. I have serotonin levels in my brain that
9 make my -- I have a disfunction in my thoughts. I have
10 immune system problems. I have corneal ulcers almost
11 every month. I have skin and breathing problems, severe
12 joint pain, inability to digest food, excessive mucus
13 disorder, and liver and kidney problems. That's just me.

14 My children have facial paralysis, inability to
15 breathe, pre-cancerous cells in my 22-year-old daughter,
16 severe skin disorders, and sever seizure disorders.

17 And I just want to be acknowledged again that
18 we're still a reality. We're not going to go away, and we
19 need some action taken.

20 I'm also really concerned about that the
21 Committee last time recommended that Midway be a pilot
22 project, and there has been no follow-up on that.

23 Another issue that really concerns me -- and I
24 was so excited to see that you have a court reporter now,
25 so that making everything official. I studied court

1 reporting, and I know I'm supposed to take verbatim every
2 word. We have access to the records, and we looked at
3 them. And the two comments that were like a breath of
4 fresh air for me was when this gentleman over here
5 acknowledged that if we were a white community that this
6 problem would have been taken care of a long time ago.
7 And I was glad that it was on record. Well, that's been
8 doctored. It's not in the record.

9 The other comment that was made that was also
10 meaningful, which I can't think of it right now, but
11 that -- I can't think of it. But, anyways, the two main
12 things that were said -- oh, the admission of guilt by
13 DTSC when somebody asked them point blank, "Is Midway
14 cleaned or contained?" And I think I wasn't the only one
15 that heard it when he said, "It's contained." And that's
16 not in the record anymore. So what does that make me
17 feel? Like why is the record -- isn't that illegal when
18 you go and take a court recording records like that and
19 take this information out? So what is that -- it makes me
20 distrust everything.

21 So that means maybe the standard of the levels of
22 contamination, maybe they're higher than they already are.
23 Maybe it isn't safe. I already know it's not safe,
24 because, I mean, just recently there was testing. And
25 behind my yard, I know I live right next to PG&E. And so

1 I know that the levels of one of the VOCs or whatever
2 those vapors came out to be over 500,000 times greater.
3 So you wonder why we can't all breathe.

4 And my children, we go to the doctors, and it's
5 like, well, there's no asthma. We go to the
6 pulmonologist. It's like it's not that. But they can't
7 breathe. So because these things are in the air.

8 And so in the mean time when you guys discuss,
9 talk, and LAG, we are sitting on top of these things and
10 being traumatized basically. Because as a single divorced
11 mom of four children, I basically am in a catch 22,
12 because if I had the resources, I would move them. I
13 would have moved a long time ago. But I, besides being
14 sick, I'm financially not able to do that. And so -- and
15 then psychologically, you know, I'm depressed. I'm
16 thinking -- you know, every night you think about maybe
17 this is my night, because, you know, I can't do the
18 basics. And so that's basically what I'm here just to --
19 just to be acknowledged again. Thank you for your time.

20 CO-CHAIRPERSON TAKVORIAN: Well, thank you. But,
21 Marie, I think you asked two important questions. One is
22 that I was wondering if we had staff that could respond to
23 what the status of the pilot project is.

24 DTSC CLEANUP OPERATIONS DIVISION CHIEF TRGOVCICH:
25 This is Caren Trgovcich with the Department of Toxic

1 Substances Control. Our Deputy Director Leonard Robinson,
2 who at the last meeting stepped forward and said he would
3 meet with the Midway residents, had to go to another
4 meeting. I'm sure that we could get him back in here at a
5 later time this afternoon. But he had taken on that task
6 after his dialogue with the Committee.

7 CO-CHAIRPERSON TAKVORIAN: Well, I think they
8 would know -- I mean, it sounds like there hasn't been a
9 meeting.

10 DTSC CLEANUP OPERATIONS DIVISION CHIEF TRGOVCICH:
11 Vanessa Byrd, our coordinator, would you like to come
12 forward and respond?

13 DTSC EDUCATION AND OUTREACH MANAGER BYRD:
14 Vanessa Byrd, Department of Toxic Substances Control.
15 Leonard Robinson and I did go down to Midway
16 Village, and we met with the residents. Maria was there,
17 and we talked with the residents about their concerns
18 regarding Midway and what they would want us to do as a
19 department in order to continue to work with them and
20 continue to have a dialogue with them. I don't know if
21 there were any other concerns that came out of that
22 meeting.

23 I have also been in contact with LaDonna Williams
24 as well and talking with her regarding some of her
25 concerns.

1 CO-CHAIRPERSON TAKVORIAN: Is that the background
2 that you're doing to develop the pilot project?

3 DTSC EDUCATION AND OUTREACH MANAGER BYRD: That
4 is in addition to the pilot project.

5 CO-CHAIRPERSON TAKVORIAN: So do you have a sense
6 of when the pilot project description proposal might come
7 forward?

8 DTSC EDUCATION AND OUTREACH MANAGER BYRD: Well,
9 the pilot project -- I guess what I mean is, in addition
10 to the pilot project, we had not determined that Midway
11 Village would be a pilot project. We are working with the
12 Oakland pilot project. So there was no determination made
13 at that point that we would take on Midway Village as a
14 pilot project.

15 MS. DOWNING: The occasion she's talking about,
16 this all happened before the resolution. So this really
17 has -- really, it's not relevant to the pilot project.
18 And, really, we don't want to dialogue with anybody
19 anymore. We want some action. We don't want no more
20 discussions and talking and all this -- we don't want
21 nothing to do with just talk, talk, talk, you know. We're
22 tired of talking. It's like in the mean time -- if your
23 family was sitting under these things, I'm sure you
24 wouldn't be talking. You would probably be running with
25 them somewhere, you know, because you would have the

1 resources to do. You wouldn't want to talk. We don't
2 want to dialogue with anybody.

3 CO-CHAIRPERSON TAKVORIAN: I guess I thought the
4 Committee at the last meeting said we were hoping there
5 would be some conversation that would lead to some action
6 plan. And so I think that's what the question that many
7 of us have is, along with the residents, as to what your
8 time line is for bringing that action plan forward.

9 DTSC EDUCATION AND OUTREACH MANAGER BYRD: We
10 don't have a time line at this point. We did have an
11 initial meeting.

12 MS. DOWNING: Can LaDonna respond for me, please?
13 Because she has more of the data and the facts.

14 MS. WILLIAMS: And I will wait my turn on the
15 other part. But just responding to Marie.

16 What was described here, Leonard and Vanessa did
17 come to the community before the recommendation from the
18 Committee to do that. As a matter of fact, I think it was
19 Barbara saying to us, is it possible we could mend that
20 relationship, which I told her with all -- thanks to
21 Vanessa and Leonard, they had already taken that approach.

22 However, after you all took the vote and made
23 those recommendations, nothing had been done as far as
24 communication with the community. But we did get a letter
25 from the attorneys involved. That was the only

1 communication that has occurred thus far. And basically
2 is summarizing that the issues have been adjudicated, that
3 there is no -- really no concerns out there, and hope that
4 this letter, which I'll pass around, would answer the
5 questions, which, of course, it hasn't.

6 CO-CHAIRPERSON TAKVORIAN: Okay. You know, one
7 of the -- Barry, you have your --

8 ADVISORY COMMITTEE MEMBER WALLERSTEIN: Well,
9 Martha just handed me a copy of this letter, so I haven't
10 had a chance to read it.

11 But it seems to me that the Committee made a
12 request at the last meeting. And as I understood from
13 counsel a little while ago, the requests go to Secretary
14 Lloyd and the IWG ultimately. And so it seems appropriate
15 to me that for the upcoming meeting with the IWG that when
16 we get to that point in the agenda, this should be a high
17 priority that we request a discussion of this and their
18 response to both the Committee and the community's
19 request.

20 CO-CHAIRPERSON TAKVORIAN: I'll start a list. So
21 thank you.

22 I guess the other point I would make is that the
23 transcripts are great, although I'm concerned about if
24 there's errors in them or anything that has removed. And
25 they make -- it's difficult to find action items within

1 the -- so I think it would be great to be able to see, you
2 know, this is the request that the Committee made of DTSC
3 in regards to Midway Village. The action that was either
4 voted on or there was a consensus or whatever the action
5 was that was taken. Maybe this is a good example of
6 something we could address administratively to get those
7 actions pulled out. Because it's wonderful to have the
8 whole discussion there so we can refer back to it. But
9 the action items and what we vote on I think is pretty
10 critical for us to be able to look at easily in a short
11 page. Okay.

12 So I think what we want to do is continue with
13 the next public speaker who is also from Midway, and that
14 is Mary Tanner.

15 MS. TANNER: Good evening. My name is Mary
16 Tanner, and I live on Brandon Courts. I'm a resident of
17 Midway Village. And I'm here to let you know I'm still on
18 that toxic, and live every day with not breathing well,
19 not breathing at night. I can't sleep good. My nose is
20 stopped up. And I can't breathe because I'm breathing
21 mostly out of my -- I'm trying to breathe out of my mouth
22 because the nose is stopped up. So I really just stay
23 congested, and I can't do the things I need to do to take
24 care of my business a lot of times, because I've got to
25 get my sleep, because this condition, it impairs me. And

1 I'm here today and ask you -- I would appreciate that you
2 would help us immediately, because it is really
3 deteriorating us. And I thank you very much.

4 CO-CHAIRPERSON TAKVORIAN: Thank you, Mary.

5 So Irma Anderson.

6 MS. ANDERSON: Hi. My name is Irma Anderson, and
7 I am a resident of Midway Village. I've been there for 23
8 years. I raised my children there. One of my kids, from
9 the day that he started school, he was in a special class.
10 My illnesses: I have had seven tumors since I've been at
11 Midway, and one of the tumors weighed nine pounds. I
12 think I might have another one, but I have to go and have
13 an X-ray taken. You know, I have liver problems,
14 digestive system.

15 I heard Mary talking about breathing. Recently,
16 someone died because she could not breathe. She lives on
17 Cyprus Lane, but she could not breathe, so she died. We
18 have a lot of cancers at Midway. There's a lot of elderly
19 people who really need help, because they're really sick,
20 you know.

21 And I was just wondering what was the holdup of
22 helping the people at Midway? How much longer are we
23 going to have to wait to get some justice here? You know,
24 23 years is long enough for me to, you know, be sick and
25 to suffer. You know, we're not rats. We don't need to be

1 experimented on to see how our health is going to turn
2 out.

3 We really need help. We really need relocation.
4 And I'm asking over and over and over again -- this is not
5 my first time saying this. I've said it many times
6 before. We need help at Midway. We want to get out of
7 Midway. DTSC and EPA, I'm really ashamed of you guys,
8 because you have not done your job. You're getting paid
9 to kill people. You remind me of a hit man, which, you
10 know, you're getting paid to kill people. And it's not
11 right. It's just not right. I'm sure you know the right
12 thing to do. All I'm asking -- all we're asking is that
13 you do it.

14 And don't have us wait another 10 or 15 years. I
15 don't know if I'm going to be alive another 15 years. I
16 don't know if I'm going to be alive tomorrow. The nose
17 bleeds and headaches, I have headaches every single day,
18 nose bleeds. I wake up in the morning and my pillow is
19 full of blood. We're tired of going through that.

20 What would you do if you was in a situation like
21 us? Would you allow your families to live on toxic waste?
22 I bet I couldn't get anyone in this room to come out and
23 spend the night at Midway for one night. And I guarantee
24 you if you did, the next day you would be sick. Thank
25 you.

1 CO-CHAIRPERSON TAKVORIAN: Thank you, Irma.

2 LaDonna.

3 MS. WILLIAMS: LaDonna Williams, People for
4 Children's Health and Environmental Justice and also a
5 former member of the CEJAC Committee.

6 Have any of you had a chance to just briefly go
7 over the response to the request of Midway Village to be a
8 pilot project? Because this basically is a response of
9 what we laid out, the pilot project, what the issues were
10 or would be within the pilot project. And, of course,
11 nothing has been responded to. I'm going to touch on
12 Midway, but I'm also going to touch on the overall issues
13 that I think need to be addressed that I know won't be
14 listened to, but I'm going to address them.

15 CO-CHAIRPERSON TAKVORIAN: LaDonna, I think --
16 Barry, do you want to respond to LaDonna's first question?

17 ADVISORY COMMITTEE MEMBER WALLERSTEIN: It's not
18 up to me to offer the full response here.

19 LaDonna, I looked at that letter. My impression
20 is that that's not a response. It's for a different
21 purpose.

22 But I think that at the point in time where DTSC
23 knows we're going to talk about this -- and, again, I
24 think we can make a recommendation to make sure that
25 happens the next time this group is together with the

1 IWG -- that I think Leonard and DTSC will tell us what
2 they've done, what they're willing to do, and what they're
3 not willing to do. And then we'll have a full answer to
4 your question.

5 MS. WILLIAMS: So if you don't think it's a
6 response to the request -- because basically that's the
7 bottom line is laying out those issues. What do you think
8 it's a response to?

9 ADVISORY COMMITTEE MEMBER WALLERSTEIN: I'm the
10 guy from Southern California. But this is a letter from
11 the County of San Mateo regarding the community's desire
12 to receive some monetary benefits, I believe. But in
13 addition to that, it speaks to repairing some concrete and
14 attaches the bid notice that went out for the concrete.

15 And I'm sure you were concerned when you looked
16 at this work notice where it said areas were going to be
17 blocked off, soil is going to be put in drums and then
18 disposed of properly. So I understand your concern. But
19 I don't think this -- my impression is this is not the DTS
20 response to what the Committee asked. Now that doesn't
21 mean I know what the DTS response is or whether the
22 Committee would view it as being very responsive or not.
23 But at this point, I don't think you have the DTSC
24 response.

25 MS. WILLIAMS: Well, I'll excuse you since you

1 are from Southern Cal.

2 ADVISORY COMMITTEE MEMBER WALLERSTEIN: Well, we
3 have Leonard sitting back there quietly shaking his head.

4 MS. WILLIAMS: Let me just say this, though. It
5 is a response. And it's from our experience with dealing
6 with DTSC and CalePA, both federal and California, for the
7 last 15 years. So this is the kind of responses that we
8 get. And when you look at the list of impressive
9 attorneys and deputies and all that's been involved in
10 this, from DTSC's attorneys, to the county and city's
11 attorneys, to the Mayor, to the Supervisors, to the
12 attorneys on the federal level, every attorney has looked
13 at the requests for agency to come to the table with
14 Midway. And instead of them putting together a meeting
15 with the residents, all the attorneys met, as they all
16 have in the past, once again, and have determined they
17 would do absolutely nothing, which is what they've done.
18 So the bigger picture is it's a result --

19 ADVISORY COMMITTEE MEMBER WALLERSTEIN: LaDonna,
20 all I'm saying is that in this particular letter it says,
21 "In response to recent communications to the local
22 supervisor," and it's on the county letterhead. I'm not
23 telling you DTSC will give a different response. But what
24 you need and what the Committee expected was a direct
25 response from CalePA, i.e., DTSC. So what you need is a

1 letter on their letterhead that tells you either yea, nay,
2 or this is what we'll do.

3 MS. WILLIAMS: And the response has been they
4 conveniently left our communication out to DTSC. We
5 responded to both. DTSC came back to us, the head of DTSC
6 and said -- or acting head and said they could not respond
7 until they received, I guess, the okay from either the
8 attorneys or some letter recommending it or whatever. So,
9 again, it's been pushed over until somebody else does
10 something, which nobody has done anything up until this
11 point.

12 So I understand your point and what you're
13 making, but I'm telling you what the reality is and how
14 they put their spin on it and how they continue to
15 victimize this community.

16 So not only do I want to go into some issues
17 about this transcript, but -- and if I forget and go over,
18 I apologize. But I'm going to get it all in, because we
19 have to sit and hear you guys go over and over and over
20 this stuff. I want to get it in once and for all and then
21 we're done with it.

22 That is a fact that, as Maria said, we sat here
23 and went through all these hours of listening to people
24 and their testimonies, and then we ordered the transcripts
25 and actually ordered -- because if I'm not mistaken, it's

1 videotaped also, right? And have you all received the
2 minutes from the last meetings?

3 CO-CHAIRPERSON TAKVORIAN: There are no minutes.

4 MS. WILLIAMS: There's no minutes. Are there
5 usually minutes?

6 CALEPA ENVIRONMENTAL JUSTICE SPECIAL ASSISTANT
7 DUMISANI: They're on the internet.

8 MS. WILLIAMS: Oh, they're on the internet.

9 ADVISORY COMMITTEE MEMBER LYOU: The transcript's
10 on the internet. There are no minutes.

11 MS. WILLIAMS: Thank you.

12 CO-CHAIRPERSON TAKVORIAN: So that's what I was
13 suggesting, is that minutes or a summary of the action
14 items are not available. So you would have to do what you
15 did, which is to go through the transcript --

16 MS. WILLIAMS: To request them.

17 CO-CHAIRPERSON TAKVORIAN: No. To pull out the
18 action items. They're not easily obtainable in -- you
19 know, here are all the action items. You have to go
20 through the whole transcript to get there.

21 MS. WILLIAMS: Well, had we not in the past had
22 experience with DTSC tampering official documents, then
23 maybe we wouldn't be so suspicious. But because we've had
24 experience with them tampering many documents, our
25 suspicions were raised again.

1 And that is -- and I know you addressed that,
2 Diane. However, it's more than just an oversight. It was
3 specific that Mr. Dorsey acknowledged had Midway been a
4 white community, we all know it would not have taken all
5 these years to get action.

6 And Mr. Robinson specifically said, because, you
7 know what? I remember asking him in detail, is it cleaned
8 or contained? I remember Dee kind of interjected. And
9 then I came back to the question specifically, because I
10 wanted an answer. And he clearly answered that it was
11 contained, not cleaned. And when you look at those
12 records, they didn't just remove it out, but they muddled
13 it and played around with it to make it look convincing.
14 Those records have been tampered with, and we want answers
15 as to why.

16 The other issue I want to raise here with even
17 just the Committee is that there is no African American
18 representation from the community level -- or African
19 women. There's African American men, we don't dispute
20 that. But there's not a black women on this Committee
21 representing communities that are impacted, EJ
22 communities. That's the other one.

23 The thing that we wanted to bring up, too, was
24 the whole LSAG and local stakeholders -- I know that's
25 what LSAG stands for. But for those of you that this is

1 all a new process for you, the Local Stakeholders Advisory
2 Group, you guys have gotten testimony after testimony, the
3 Committee recommended it, the public recommended it two,
4 three years ago. We laid it out from what was needed from
5 funding, to it being community-driven, to the agency
6 assisting community. I mean, we went through A through Z.
7 Joe even put comparison charts together to say, this is
8 what's recommended. This is what you accepted. And then
9 they come back surprised when we make these
10 recommendations on what's needed to be effective like they
11 ain't heard it before.

12 If you've got all these attorneys working on
13 these issues, and we've got to go through the Keene and
14 Bagley, whatever these codes are, then you guys fully well
15 know that DTSC and none of the rest of these folks that
16 are supposed to be offices and departments and boards that
17 are supposed to be putting together policy to protect
18 communities or help them come to a workable solution,
19 they're not trying to do that. They've done exactly the
20 opposite of what we have recommended. Or they have
21 watered it down to where it has simply become a useless
22 shell.

23 For instance -- and I think it's coming back to
24 bite us. And I was a part of the Committee when we did
25 that. And that was compromising our precautionary

1 approach, as opposed to precautionary principle. And I
2 think when we look back, that word approach makes a big
3 difference compared to principle. Because that's what
4 we've been doing for the last three, four years on this
5 Committee, is approaching the idea, approaching the
6 subject, approaching some actions. But you have never
7 gotten down to implementing the actions that are finally
8 going to start helping communities come up with a workable
9 solution.

10 And what is really disappointing to me is that we
11 sit here with all the experience and the knowledge that we
12 have on this Committee coming together. This is a model
13 here to be able to work together collectively to come up
14 with a solution. And here we are going back over the same
15 subjects and supposedly new ideas and suggestions only for
16 them to turn out and be ignored.

17 When I listen to Margaret and them, I came here
18 about a year ago and mentioned the West Oakland Project,
19 when it was supposed to be presented as a potential pilot
20 project, and said to you all that you had not reached out
21 to that community, that you came to the community with
22 that project already in mind. That community did not
23 drive what those issues are. You ignored it.

24 You see with the Klamath. It's amazing that you
25 bring the agency here and their spin is, oh, it's working

1 fine. Oh, this is a success. Oh, we've got good results.
2 But you didn't see the tribes here saying that, because
3 I've heard otherwise. I've heard they feel like they're
4 not being heard, that their issues aren't being addressed,
5 and they're spinning their wheels and they're getting
6 nowhere.

7 We heard from Southern Cal, the same thing. If
8 they're setting up these LSAGs throughout California that
9 are supposed to be working with our communities to come up
10 with a workable solution, we told you so. It was not
11 going to work, and it is not working. But they don't
12 care. Because they're not going to listen. Because
13 that's what DTSC and them does. They sit there and put on
14 a pretense of listening to you, letting you go through
15 years of suggestions. And you, in your mind, as a
16 community person, thinking, we're a part of the process.
17 We're going to make change. And they ignored them all.
18 That's what's happening here.

19 And we have all had experience with that. How
20 many of you have made these great suggestions and
21 recommendations only for them to be ignored? And we come
22 here time after time after time and sit and play this
23 game. In the mean time, my former neighbors and friends
24 are dying. And in other communities, they're continuing
25 to suffer, because we're sitting here playing a role.

1 That is ridiculous and it's unacceptable.

2 We need to go back to the basics. This whole
3 process needs to be redone. And you need to start by
4 taking out that approach word and actually put in what
5 should be there, precautionary principle. And then
6 everyone here sign a contract or a document that says they
7 will agree to abide by that. And then force the IWGs and
8 the BDOs and whoever whoevers to sign them, too. And if
9 they don't and they be re-evaluated in three months and
10 it's not being effective, get them out.

11 How many of you would be able to remain in your
12 jobs for three years doing the same thing that's not
13 resulting in any -- and I mean absolutely any actions.
14 You're not getting any results. You wouldn't have your
15 jobs. But it's okay for that to happen at Midway. And
16 it's okay for us to keep coming here and talking about it
17 and talking about it and talking about it.

18 And we're clear, we're very clear that this
19 Committee does not have the power to make the decisions.
20 But it was mandated that you did have the right to make
21 suggestions and recommendations. What should have been in
22 there is that these agencies should not have had the okay
23 to ignore them. And that's what they've been doing.

24 So I ask you all, what is it going to take? I
25 mean seriously, what is it going to take? That was the

1 reason why I resigned from the Committee. And then I was
2 asked back on the Committee by not just agency,
3 communities. I was really surprised at the response that
4 I got to come back here and stay committed to speaking on
5 these issues.

6 And then for whatever reason, the person that's
7 on the main Chair, that is not a black woman made the
8 decision to replace, which is fine, because you know what?
9 I needed to be off of this Committee, because it's not
10 effective the way they have the process set up. They've
11 got your hands tied. There is no power for this
12 Committee. Which you guys all know it's inadequate and it
13 ain't working.

14 So what are we going to do? Keep playing the
15 role? I want to know what's going to be done, if anything
16 at all.

17 CO-CHAIRPERSON TAKVORIAN: Well, I think that
18 Barry referred to it and others of us -- Henry has his
19 card. But we would like to get a response and an update
20 as to the motion that many of us remember was taken at the
21 last meeting in regards to what the action plan will be at
22 Midway Village and what the outcome of what was supposed
23 to be a meeting between the Midway Village residents and
24 DTSC.

25 So I'm going to ask if the Committee is ready for

1 that. And if we can interrupt your public comment at this
2 point -- or are you done with that?

3 MS. WILLIAMS: I'll let you go ahead, because I
4 know I threw a lot out there.

5 CO-CHAIRPERSON TAKVORIAN: Henry and Mike, and
6 then can we decide whether we can then hear from the
7 staff?

8 ADVISORY COMMITTEE MEMBER CLARK: I'm going to be
9 brief. I'm going to be brief, because I do want to hear
10 from the staff. And it's disturbing that the staff have
11 not responded to the Committee's recommendation that were
12 made at the last meeting.

13 You know, here again, you know, we've been
14 talking about developing some meaningful public
15 participation guidance. But like I said, while we're
16 talking about developing guidance and what is being played
17 on in our communities, you know, is really not meaningful
18 public participation.

19 And so here again, you know, I mean, people are
20 talking out of both sides of their mouth. And this really
21 is disturbing. Because either, you know, the agency is
22 going to act on the Committee's recommendation or not act
23 on the Committee recommendation, you know. That's the
24 agency's prerogative to do whatever. But, you know, this
25 flip-flopping and confusion has to come to an end. And we

1 need to get some answers.

2 CO-CHAIRPERSON TAKVORIAN: Mike.

3 ADVISORY COMMITTEE MEMBER DORSEY: I would like
4 to ensure that -- I haven't looked at the minutes or the
5 transcripts from the last meeting. But I want to ensure
6 that what I did say in the last meeting gets in the
7 minutes today.

8 And what I did say in the last meeting was, and I
9 fully believe this, if that community was a white
10 community, we wouldn't be sitting here today talking about
11 these issues. That's my personal feeling. I said that
12 then, and I say it again now.

13 The other issue that I did say, and I did ask the
14 then Deputy Secretary of DTSC -- or Deputy Chief of DTSC
15 was whether the site had been cleaned up or contained.
16 And the response was it was contained. And so I want to
17 ensure that is in the public record.

18 The other comment that I would like to make --
19 and I do feel embarrassed by this for us as a Committee.
20 One of the action items that we committed to doing was
21 ensure that the Co-Chairs would send a letter from I
22 believe CalEPA to HUD requesting assistance from HUD
23 because this site is -- these apartments are HUD
24 apartments, requesting assistance for relocation or for
25 whatever other cleanup activities need to be done. And I

1 do apologize to the community that we've been lax in doing
2 that. I do understand that that letter has been drafted
3 and it's supposed to go out either today or tomorrow.

4 CO-CHAIRPERSON TAKVORIAN: Okay. If there aren't
5 other Committee comments, I think a response from DTSC.
6 Leonard, your absence was noted by other staff so --

7 DTSC ACTING DIRECTOR ROBINSON: I apologize for
8 missing part of the meeting. I recently was appointed as
9 Acting Director, and I'm also a Chief Deputy Director.
10 Until recently, I was also Acting Deputy for External
11 Affairs. And wouldn't you know, the 30 minutes I missed,
12 I was needed here.

13 Before, I was kind of looking on the agenda where
14 you needed me to comment on Midway Village, I didn't see
15 it on the agenda. I understand this is public comment.
16 No minutes to look on, but I believe one of us should try
17 to develop a relationship with Midway Village. It's
18 evident Midway Village doesn't trust us. LaDonna doesn't
19 trust DTSC. She doesn't trust CalEPA. The first step is
20 to build a relationship.

21 Staff has met with Midway Village. We've had
22 some conversations. Have we made a lot of headway?
23 Probably not. This doesn't happen overnight. It's not
24 going to be resolved overnight.

25 I don't see how this could be a pilot project for

1 DTSC when the deliverables are things that aren't within
2 our purview. We're open to a relationship. We think we
3 lead the agency in public participation efforts, and we're
4 proud of our public participation efforts. Are they
5 perfect? No. There's a lot of work ahead.

6 But I was a little bit surprised there was
7 nothing on the agenda for CEJAC for Midway Village. Now,
8 I wish our attorney was here, because this is a public
9 meeting and I thought responses and things like this had
10 to be noticed 30 days in advance and then just noticed for
11 us.

12 But, no. We're trying to build a relationship.
13 Are we there? We're a long way. There's a lot of
14 improvement opportunities.

15 CALEPA DEPUTY SECRETARY PRASAD: I just want to
16 add a couple of comments. There has been a question about
17 the changing any of the documents that were posted on the
18 web. We do not do that. What is received from them is
19 directly posted on that. So to that extent -- and if it
20 has been an omission, we're sorry. We'll make sure and
21 work with our transcription services that that does not
22 happen.

23 And, secondly, I think that Leonard's point is
24 correct. Public comments are here, and to come back to
25 the Committee at a later point in time or if there was a

1 clarification sought after, you would provide it. But to
2 be able to say at that point, and sort of being put in a
3 situation of interrogation is really a little unnerving
4 and overreacting.

5 CO-CHAIRPERSON TAKVORIAN: Barry.

6 ADVISORY COMMITTEE MEMBER WALLERSTEIN: I'd like
7 one clarification, and then I'd like to make a suggestion.

8 If I go on the internet, do I see a transcript or
9 do I see minutes? And is it a complete transcript, if
10 it's a transcript?

11 CALEPA DEPUTY SECRETARY PRASAD: It's a complete
12 transcript that we receive. We don't even make any
13 changes.

14 ADVISORY COMMITTEE MEMBER WALLERSTEIN: Well, I
15 gave a deposition yesterday. When I give a deposition, as
16 anyone else, you get your transcript. And then you have
17 to under perjury sign that the transcript is right and
18 that you didn't miss anything in your answers.

19 Transcripts are going to be horrendously long for
20 Committee members to look through. But I think it might
21 be nice to at least have one copy present for the
22 Committee so that maybe at the end of our meeting if
23 somebody wanted to look up a particular pertinent fact
24 they could peruse through the transcript and see if at
25 least it was covered.

1 You know, it's a little unusual to have something
2 like that. And it's easy for a stenographer, whoever, to
3 make an error. And so this was obviously something very
4 important to the community. And, you know, we need to
5 have some ability, besides the community members coming
6 and complaining, to try to catch these things. Whatever
7 the staff thinks is the most appropriate way, I think we
8 need to develop something.

9 I, unfortunately, missed the last meeting,
10 although I really wanted to be here. But if you think
11 back prior to the last meeting, I was one of the ones
12 pushing to have a discussion of the issue. And one of the
13 reasons was that I encounter things somewhat similar to
14 this in what I do in air pollution control in Southern
15 California where a community comes and tells us there's a
16 problem. And to the best of our knowledge, there's no
17 problem. And what we do is go out and sample. And
18 sometimes we have to go back and sample a second or third
19 time because the wind's blowing a particular direction or
20 whatever, and you don't catch it the first time.

21 I would like at our next meeting or discussion
22 with the IWG, I would like two things very specifically,
23 if the Committee concurs. One is a direct response to
24 what the Committee requested at your last meeting. The
25 second is I'm still interested -- and maybe I just missed

1 it at the last meeting -- in when the last samplings were
2 taken and whether or not it's appropriate to go take some
3 new samples and what the relative costs would be for
4 taking samples.

5 When you have community members, whether it's in
6 my jurisdiction or elsewhere, that think there's an effect
7 what in my view needs to be done is you need to go out and
8 sample to see if there is something there you're not aware
9 of. And this has been an ongoing debate in front of this
10 Committee for years.

11 And on one hand, I have community members that
12 are absolutely convinced that they're being still exposed
13 to things. And on the other hand, maybe DTSC thinks you
14 aren't. I don't know. But there's a way scientifically
15 to resolve that. And it doesn't mean that you might not
16 have been exposed to something many years ago and now just
17 feeling the effects.

18 But I would, for one, like to know if the
19 judgment is contained, that contained is contained. And
20 that's doable by sampling air and by sampling soil. And I
21 would like to know when it was last done, what it showed,
22 and what it would cost to go back and take some strategic
23 new samples.

24 And I'm going to speak to Leonard's credit. We
25 had an issue raised in Southern California a few months

1 ago. And I'm out taking samples, and I called Leonard to
2 ask if DTSC could come and survey the sites and
3 potentially take samples, and he was very responsive.

4 So I'd like to suggest that there be some sort of
5 discussion with the IWG about something along those lines
6 at our meeting with them at the next meeting.

7 CO-CHAIRPERSON TAKVORIAN: So I have Martha,
8 Jose, and then Lenore.

9 ALTERNATE ADVISORY COMMITTEE MEMBER ARGUELLO: I
10 think it's going to be around the sampling or whatever
11 else is done. I think it's very important that you sit
12 down with the community and find out what they want, one.

13 Two, I'm really concerned with some of the
14 contaminants there and how do you measure for vapor
15 intrusion and sort of this -- there's an emerging science
16 around those routes of exposure and how damaging that kind
17 of exposure is. And I don't know if they've done that
18 kind of sampling.

19 The third thing was in part preparing this letter
20 where I started looking at a number of scholarly articles
21 around the impacts on communities of living on a site that
22 is not clean, but contained. And there is a set of well
23 documented syndromes that occur for communities living
24 with a constant anxiety of possible exposure. And the
25 science on that is still emerging. But that it's

1 important for people to understand that that is -- while
2 it's emerging, it's still valid. And it is what gets
3 borne out in the anecdotal stories that people hear across
4 the country in sites that are not cleaned, but contained,
5 and there is a constant threat of continued exposure. And
6 I worry about more sampling and more studies versus really
7 making this community whole and working with them to move
8 them.

9 CO-CHAIRPERSON TAKVORIAN: Jose.

10 ALTERNATE ADVISORY COMMITTEE MEMBER BRAVO: It
11 just reminds me of a couple things. One is that in the
12 Maquiladoras a while back in regards to the border where
13 people were having children without brains or
14 underdeveloped brains, and I remember the response back
15 was, let's do more sampling. Those communities were being
16 affected then. And you know something. Bottom line, when
17 all those community members got together with their
18 children, there was no science that could refute that.
19 There was no science that could refute those children were
20 impacted.

21 And the EPA and others still went ahead and did
22 their sampling. And what they came back with was it
23 wasn't the 500 times amount of xylene that was going
24 through that water in that community. No. It was the
25 mothers that were lacking folic acid. So, and we remember

1 the sampling, too. That sampling was done when the river
2 was most diluted, when there was the least amount of
3 chemicals to be found. And when the Maquiladoras on the
4 other side of the border were actually shut down for Holy
5 Week or Lent.

6 So we go back with sampling. And, again, there's
7 something to be said about getting sampled to death. And
8 if there's something wrong there, you have the
9 responsibility to do something about it. And that's
10 bottom line.

11 So get back and get some kind of response going.
12 I'm sure the community has its plans on what it wants.
13 And if the community thinks it's sampling it wants, that's
14 up to the community. But I read it clear in the letter
15 here. I think they want relocation. And I think you
16 should take a cue from that.

17 MS. WILLIAMS: Can I make a point clear, though?
18 Because I keep hearing it, and I think it's kind of
19 confusing. That is the fact that no communication other
20 than maybe a phone call and telling me that they had to
21 wait for a letter, or they had to wait for some okay from
22 either the Board of Supervisors or from someone, meaning
23 DTSC, that's what we were told. Prior to your
24 recommendation, the community met with Mr. Robinson and
25 Ms. Byrd. So after you guys recommended that, there was

1 no action.

2 The other thing, Mr. Prasad always seems to take
3 these comments personal. And you talk about being
4 interrogated. And I think if you use that same mind set
5 and thinking on coming up with a workable solution for
6 Midway, this would get done, as opposed to us constantly
7 coming to tell you the facts of what's happening at
8 Midway, and that's the suffering that is directly
9 connected to the contaminants. That's directly connected
10 to your agency's lack of accountability and lack of action
11 and lack of protection. If you took that same attitude,
12 we would get things done.

13 ADVISORY COMMITTEE MEMBER VOLTURNO: I have a
14 comment and a question, too.

15 And I agree with you there hasn't been a lot done
16 through this Committee. And I think that you've addressed
17 the fact that this Committee may not be able to do for
18 your community what you feel is necessary. And I'm
19 wondering if you've worked with any other agencies or
20 you've tried to get any other grants.

21 I don't know if Leonard is right in stating that
22 you guys distrust DTSC and that probably isn't maybe for
23 you guys -- I don't know if that's the most appropriate
24 approach would be to go through the DTSC. I'm wondering
25 if you worked with any other agencies to try to find a

1 solution. I'm all about living in the solution.

2 And I understand what you're saying. I'm just
3 wondering maybe the solution doesn't lie with this
4 Committee. And if there's a way this Committee could
5 assist you in finding that solution elsewhere, you know,
6 I'm happy to support something like that. I'm just kind
7 of wondering what you've done outside of this Committee
8 and if there's any other potentials.

9 Like, for instance, we're going to be witting a
10 letter to HUD. And if that would give you more potential
11 for follow up or if the community would have more trust,
12 we're certainly happy to help out. We have public health
13 specialists on our reservations that are happy to help out
14 just on a volunteer basis to help you get things done and
15 get things moving. Obviously, this Committee hasn't given
16 you the response you want.

17 MS. WILLIAMS: Right. Well, let me just say
18 this. With the new administration, with Mr. Robinson and
19 Vanessa being involved, we have taken the approach that
20 we're willing to try to establish -- I don't know if trust
21 would be the word, until they've proven they are worthy of
22 our trust. But we've agreed to put what has happened
23 behind us and try to move together working together. That
24 hasn't happened on their part yet. So we're still open to
25 that. But they need to earn that trust, because they've

1 earned our distrust. So that's what we go by right now.

2 The answer to your question about other agencies,
3 yes. We've worked with CDC, Center for Disease Control;
4 ATSDR, Agency Toxic Substance Disease Registry. We have
5 worked with them, and they've come back with the saying,
6 "We determine there's no problem according to what DTSC
7 records show." So yes. The answer to that is yes, we
8 have. And a lot of that information that they take stems
9 from the reports of what DTSC has put out. So they go
10 according to that.

11 The other thing that is disappointing is to hear
12 that DTSC doesn't have the power to give the community
13 what they're asking for. Again, so that we are clear on
14 this, we understand DTSC doesn't have the power to
15 relocate. But they do have the power to bring the powers
16 that be to the table like they did when they negotiated
17 the millions of dollars settlements between the Navy and
18 the County and the housing and themselves. So they were
19 able to negotiate and have the power to do that. Then
20 they've got the power to bring them together with their
21 attorneys to come up with a workable solution.

22 ADVISORY COMMITTEE MEMBER VOLTURNO: If, in fact,
23 this was not going to be a pilot project, and according to
24 Leonard that may be what happens -- Leonard, do you think
25 that you see any potential there to be able to work with

1 Midway Village to get some other people to the table that
2 do have the capacity to make a difference in that
3 community?

4 DTSC ACTING DIRECTOR ROBINSON: Well, for one, I
5 think our power is overstated.

6 Number two, we can't get anywhere with Midway
7 until we get the trust, and we've fallen short of that.

8 So, LaDonna, you know, given the history and
9 everything, she doesn't trust what we say or what we do.
10 Until we build that, I don't -- there's not much we can do
11 until we start that process. Again, we don't have the
12 power to relocate. We don't have the power to offer
13 medical surveillance. We don't have the power for
14 compensation. Those are deliverables we just can't do.

15 ADVISORY COMMITTEE MEMBER VOLTURNO: So we know
16 what can't happen. But I guess my question was, LaDonna
17 mentioned she's willing to sit down at the table with you
18 guys and talk. We requested that happen at the last
19 meeting. Can that happen? Can you guys --

20 DTSC ACTING DIRECTOR ROBINSON: That's, again, a
21 relationship improvement opportunity, and we can do that.
22 We can do that.

23 ADVISORY COMMITTEE MEMBER VOLTURNO: I think that
24 that was our last request. Our request wasn't for any
25 action to happen. It was for you guys to sit down at the

1 table and start to come up with some solutions is what my
2 interpretation --

3 DTSC ACTING DIRECTOR ROBINSON: We had started
4 that process even before. We didn't need a recommendation
5 from a Committee to start building a relationship with the
6 stakeholders. We had started that process, and we did
7 meet. I personally went out to Midway Village along with
8 Vanessa Byrd, my public outreach person. So that process
9 has started. And it can continue. I don't have a problem
10 with it.

11 ADVISORY COMMITTEE MEMBER VOLTURNO: I don't know
12 if there could be a commitment before our next meeting.
13 Can there be a commitment to sit down at the table with
14 them and come back to us with what type of progress has
15 been made?

16 DTSC ACTING DIRECTOR ROBINSON: Here's what I'm
17 willing to do, because we are the participation -- public
18 participation people. Yes. We will sit down with Midway.
19 We will open the communication lines or reopen the
20 communication lines with Midway Village. I just ask that
21 it becomes two way. And I will be glad to report on it.
22 I mean, had it showed up in the agenda at this meeting, I
23 would have been glad to report on it. It's kind of
24 interesting the public comment period over a non-agenda
25 action item takes longer than everything else we've done.

1 ADVISORY COMMITTEE MEMBER VOLTURNO: I agree.

2 Is that agreeable to you, LaDonna?

3 MS. WILLIAMS: Well, yeah. But I think an
4 important question you need to ask Mr. Leonard is, if that
5 is the case, then why is it they have not had this meeting
6 after you requested --

7 ADVISORY COMMITTEE MEMBER VOLTURNO: I can't
8 speak in the past. I'm just talking about if we want --

9 MS. WILLIAMS: We're talking about what you guys
10 had requested. He's bringing up a new issue that we
11 haven't heard. Well, we don't trust them. Well, I
12 thought that had been established beforehand when we met
13 with Mr. Robinson when we got together and sat down and
14 talked. So then after guys made the recommendation, I
15 called him a couple of times and said, "Well, you know,
16 what's the holdup? We need to come to the table." And
17 his response was, well, he didn't have a letter and that
18 all the attorneys were meeting.

19 And so until all of that took place, you know,
20 obviously we couldn't meet because we haven't. So I don't
21 appreciate them sitting here like we haven't made an
22 effort to try to meet. We did. It was their response
23 that they had to wait for whatever they've been waiting
24 for, which means nothing has happened, as usual.

25 CO-CHAIRPERSON TAKVORIAN: Okay. I know we've

1 still got cards up. We've got a lot of other issues to
2 work on, but I just want to capture for the record what
3 we're doing.

4 I've got a recommendation from Barry that this go
5 on the IWG agenda. And we're going to talk about that in
6 a minute when it is agendized so we can accept that.

7 But I'm hearing from you, Leonard, that you're
8 open to coming to the IWG meeting, reporting on progress
9 to date in the development of an action plan, pilot
10 project, relationship building, whatever you want to call
11 it, with the Midway Village community.

12 DTSC ACTING DIRECTOR ROBINSON: I'm committed to
13 come to the CEJAC. Whatever the IWG wants me to report
14 on, I will report on.

15 CO-CHAIRPERSON TAKVORIAN: My understanding is
16 we're going to ask you to report on what we asked you to
17 do at the last meeting.

18 DTSC ACTING DIRECTOR ROBINSON: Are you going to
19 take a vote on that?

20 CO-CHAIRPERSON TAKVORIAN: Yeah, later.

21 DTSC ACTING DIRECTOR ROBINSON: But can you do
22 that?

23 ADVISORY COMMITTEE MEMBER LEE: Let me clarify
24 something. But he asked that this be at the next IWG
25 meeting, and none of the air districts are going to be

1 there.

2 CO-CHAIRPERSON TAKVORIAN: I understand that. I
3 just want to -- that's a separate issue. Can we just --
4 when the IWM meeting is -- but I want to make sure I'm
5 reflecting your request properly whenever the IWG meeting
6 is.

7 ADVISORY COMMITTEE MEMBER WALLERSTEIN: You are
8 reflecting it properly. But I was going to ask for the
9 Committee's consideration of the fact that I didn't
10 realize that none of the air districts would be present.
11 And I think our experience is something that could be
12 helpful in facilitating their dialogue. And so I was
13 going to offer maybe the meeting occur at a different
14 time, and not necessarily within IWG.

15 From my perspective, the critical person,
16 critical persons are Dr. Lloyd, who has a very strong
17 technical background, and his staff from DTSC are, in my
18 mind, the critical parties to understand what the CalEPA
19 response is. And it happens that agencies such as mine
20 have experience in working with DTSC on issues like vapor
21 intrusion in South Coast. And so I would like to be
22 present at the meeting if I possibly could. And so it
23 just happens that is an impossible date for the air
24 districts.

25 CO-CHAIRPERSON TAKVORIAN: Right. I think that's

1 really very important in terms of when it happens and
2 who's there. So I just want to separate so that we get
3 clear on what should happen and what Mr. Robinson is
4 willing to do at that meeting when -- either at the IWG
5 meeting or the other meeting that you're recommending. So
6 what I tried to summarize --

7 DTSC ACTING DIRECTOR ROBINSON: You're asking to
8 get me to commit on something -- I don't know if it's just
9 me and I'm totally lost on what you want or when you want
10 me to do it.

11 Here's what we're going to -- DTSC is going to
12 work to build the relationship up with Midway Village.
13 Now, how you want to hear about it, let me know. How the
14 progress -- let me know what you want. But do you want it
15 at the IWG? Do you want separate meeting? Do you want it
16 at the next CEJAC?

17 CO-CHAIRPERSON TAKVORIAN: I think we want it at
18 the IWG, which is currently scheduled for October 25th,
19 for that response and a response to the Committee's
20 request from the last meeting.

21 DTSC ACTING DIRECTOR ROBINSON: So this Committee
22 is going to take a vote on a non-agenda item for me to
23 report to the IWG?

24 CO-CHAIRPERSON TAKVORIAN: We're trying to make a
25 list of items that would be reported on at the IWG. And

1 when we come to that item, which is agendized.

2 DTSC ACTING DIRECTOR ROBINSON: It is? On this
3 agenda?

4 CO-CHAIRPERSON TAKVORIAN: The IWG meeting is --

5 DTSC ACTING DIRECTOR ROBINSON: Okay. I thought
6 you meant Midway. Okay.

7 CO-CHAIRPERSON TAKVORIAN: The IWG meeting is
8 agendized. So we're in the process now of developing a
9 list of items that can go on that agenda, which is
10 agendized and we can act on.

11 DTSC ACTING DIRECTOR ROBINSON: So you're going
12 to take a non-agenda item and put it as an agenda on IWG?

13 CO-CHAIRPERSON TAKVORIAN: We have an agenda
14 item --

15 DTSC ACTING DIRECTOR ROBINSON: For the IWG.

16 CO-CHAIRPERSON TAKVORIAN: -- to develop a list
17 of issues we want to present to the IWG. We're in the
18 process now of developing that list.

19 DTSC ACTING DIRECTOR ROBINSON: So you're going
20 to take a non-agenda item --

21 CO-CHAIRPERSON TAKVORIAN: No. When we get to
22 the agenda item of IWG, we'll go back to this list we're
23 currently brainstorming and adopt it or not adopt it or
24 amend it. I just want to be sure while you're here that
25 we're clear about what we're asking for and what you've

1 said you're willing to report back on at the IWG.

2 DTSC ACTING DIRECTOR ROBINSON: The relationship
3 between Midway Village and DTSC. I'll say it again. The
4 relationship between Midway Village and DTSC.

5 CO-CHAIRPERSON TAKVORIAN: Okay. Thank you.

6 MS. DOWNING: Why are we talking so much about
7 relationships here? We don't want relationships. We want
8 relocation. And I don't feel that Leonard is doing his
9 job. Because we need some action. Why are we talking
10 back and forth and all this babble or whatever it is,
11 because it's really confusing me all this back and forth,
12 well, and the issue is being totally missed here.

13 We need to be heard, and we need to be relocated.
14 And you guys have the power to direct this information to
15 the proper government authorities that can back up this
16 with the monies or whatever it is that needs to be taken
17 care of so we can get out of here.

18 In all this time that we're going to be building
19 a relationship, we're still dying. We still can't
20 breathe. We're still sick.

21 So, you know, it's fine. You know, we want to
22 build a relationship. I can become your friend when I'm
23 out of there. You can come over to my house, and I'll
24 feed you and everything. But in the mean time, I don't
25 want no relationship. I don't want you trying to build a

1 relationship with Midway and with the community while me
2 and my family are still dying and the whole community is
3 sick and tired of sitting on top of these nasty chemicals.

4 And this is a fact. And you know it very well.
5 You know it's a fact that there's 350 different types of
6 deadly chemicals underneath the units, because you cleaned
7 around the place, beautified it, but you didn't pick up my
8 house. I don't remember picking up my unit and cleaning
9 under it and taking the soil out of there. So the stuff
10 is under my floor. And when I open my window, I live
11 right next to PG&E, so I get a double whammy because I get
12 the electromagnetic fields, plus the whammy underneath.
13 So no matter where I go, I'm dead anyway.

14 But I don't want to build a relationship with you
15 while I'm dying. I want you to do your job and get us out
16 of there. And you know just like it's happened to white
17 communities. Well, maybe we're not white, but that
18 doesn't mean -- why should we be suffering? Because we
19 didn't choose to be the race we are. You're a person of
20 color, so you should have more empathy for us and get us
21 out of there. I don't want to hear more about
22 relationships and whatever. Thank you.

23 CO-CHAIRPERSON TAKVORIAN: Thank you, Maria.

24 What I'm trying to get to, Leonard, is given this
25 is not an agendized item, that you are -- have been asked

1 previously, not today, to respond to these concerns. You
2 weren't -- this wasn't agendized today, so you're not
3 responding. Barry has offered an alternative time for
4 that dialogue to happen or the IWG meeting.

5 I'm concerned, Barry, because I'm getting signals
6 about the fact we can't take an action on an alternative
7 date. So I'm trying to focus on the IWG meeting or an
8 alternative meeting. So --

9 ADVISORY COMMITTEE MEMBER WALLERSTEIN: That
10 sounds, I have to use this word, outrageous to me. Okay.
11 Because under public comment at my agency under the Brown
12 Act, the Committee, my Board can ask me to come back at a
13 later date with a response to a question.

14 CO-CHAIRPERSON TAKVORIAN: Is that acceptable,
15 Deborah?

16 CIWMB ADVISORY COMMITTEE MEMBER BORZELLERI:
17 Yeah. I think talking about a future date for a meeting
18 is not at all a problem. That's not the issue.

19 It's the substantive action that might be taken.
20 We fully have the ability to talk about Midway Village
21 here under the public comment period agendized item. I
22 don't believe the Committee -- I mean, the Committee can
23 certainly ask Leonard to respond in a certain way. But I
24 really think your next agenda item, which is going to talk
25 about what you're going to bring to the IWG, is where you

1 want to place this. And I think that's under the osmosis
2 of what it is that you're trying to do.

3 I don't think you can direct Mr. Robinson to come
4 in any way to that IWG meeting and be prepared to do X, Y,
5 or Z. You can certainly make recommendations on your list
6 of what you want to talk about at IWG, give him a heads-up
7 there could be questions about all of that. And you can
8 certainly establish another date for a meeting that may
9 include the IWG or any other groups to talk about Midway
10 Village.

11 So I think you're okay with what you're doing. I
12 just think, you know, directions straight to staff is a
13 little problematic with the group unless it's agendized.
14 Now, we did have something agendized last time on Midway
15 Village. That discussion took place at the meeting. The
16 question is, was that issue raised to the Agency Secretary
17 or the IWG? I don't think IWG has met.

18 CO-CHAIRPERSON TAKVORIAN: No, not to my
19 knowledge.

20 CIWMB ADVISORY COMMITTEE MEMBER BORZELLERI: So
21 maybe there is a little bit of a disconnect to raising
22 issues to the Agency Secretary such that, you know, he can
23 say whether he wants to be involved or maybe direct some
24 action on Midway Village.

25 I know I'm taking too long to explain this. I'm

1 just trying to get the naunces here. You have a public
2 comment period that's perfectly able to talk about Midway
3 Village. You have your other agenda item that talks about
4 what you're going to ask or recommend to IWG. And --

5 CO-CHAIRPERSON TAKVORIAN: But your view is that
6 Mr. Wallerstein's suggestion is legitimate now under
7 public comment so --

8 CIWMB ADVISORY COMMITTEE MEMBER BORZELLERI: His
9 suggestion that there be another meeting to discuss Midway
10 Village is perfectly within your ability to get a vote on
11 and try to schedule.

12 CO-CHAIRPERSON TAKVORIAN: So, Barry, do you want
13 to make that into a motion?

14 Well, I was getting different signals here about
15 this topic needed to end because of the way it was going.
16 So I apologize if that -- that's why I was trying to put
17 it under the IWG item. But I've now been given
18 instruction that we can go forward. So, please, if you
19 want to suggest that alternate meeting.

20 ADVISORY COMMITTEE MEMBER WALLERSTEIN: I would
21 suggest that we schedule a future discussion with
22 Secretary Lloyd and whoever he deems appropriate from DTSC
23 to solicit a response to our request made last meeting.

24 CO-CHAIRPERSON TAKVORIAN: Is there a second for
25 this motion?

1 ADVISORY COMMITTEE MEMBER LYOU: I'll second.

2 ADVISORY COMMITTEE MEMBER LEE: Second.

3 ADVISORY COMMITTEE MEMBER LYOU: Beat you.

4 CO-CHAIRPERSON TAKVORIAN: Any discussion?

5 Mike.

6 ADVISORY COMMITTEE MEMBER DORSEY: I just wanted
7 to make a comment. I'm not going to make a
8 recommendation, because I can't make a recommendation to
9 Leonard. But maybe Leonard will hear this.

10 And I just want to put some things maybe some
11 into perspective, and I think I tried to do this at the
12 last meeting. We have a community sitting on a
13 contaminated site. Granted, DTSC has contained that
14 contamination. There's some question as to whether
15 there's vapor intrusion into some of those houses based on
16 the sampling that has been done.

17 Psychologically, you cannot take away the fact
18 that people who are sitting on a contaminated site,
19 whether it's cleaned up or to whatever level or not,
20 psychologically that's going to be with them forever as
21 long as they're living there.

22 I think appropriately -- and, again, we have a
23 letter going to HUD. If, in fact, DTSC perhaps wanted to
24 reestablish a relationship -- and maybe this is a pilot
25 project. Maybe it's not. But I think working as a lead

1 agency in assisting the community -- granted, the DTSC
2 cannot relocate this community. But as a lead agency in
3 assisting the community to develop all the -- work with
4 all the other agencies, the appropriate agencies that
5 could help this community in relocating, I think that
6 would be a tremendous effort by DTSC in reestablishing the
7 trust with that community.

8 CO-CHAIRPERSON TAKVORIAN: Henry.

9 ADVISORY COMMITTEE MEMBER CLARK: I had a
10 question to Mr. Robinson. You indicated earlier that you
11 cannot relocate people or compensate people in situations
12 like Midway. If there was a situation or in the situation
13 there with Midway, can the agency recommend to another
14 agency or anyone that people should be relocated in a
15 situation where the agency agreed that it's a threat to
16 the residents' health and safety?

17 DTSC ACTING DIRECTOR ROBINSON: Only if we're
18 doing an active remediation. If we're doing the digging
19 and doing the remediation, we can ask temporary relocation
20 until it's fixed.

21 Now, you know, maybe I was the only one, but we
22 did -- and but Barry wasn't here. But we called it the
23 Barry presentation for the Midway Village up there.

24 And you missed it, Barry.

25 And we talked about all the things we did. As

1 with any other cleanup, as you know, there's a five-year
2 review. We have to go back in and look at it. We do
3 inspections to check the cap or anything else. It's not
4 like we've totally walked away. But relocation, only if
5 we're doing active remediation in the area.

6 ADVISORY COMMITTEE MEMBER CLARK: Okay. I see.
7 And now -- and you're saying that's only for temporary
8 until you -- I mean, whatever you're involved -- the
9 agency involvement in any situation, I guess my question
10 is, you know, can the agency, if deemed appropriate,
11 recommend that people would be permanently relocated?

12 DTSC ACTING DIRECTOR ROBINSON: If, in fact, we
13 work on a project and we don't clean it up or we can't hit
14 specific numbers for clean up, then we probably could do
15 that. But right now the only solid way we can do it is
16 temporary situation, remove the people, which that offer
17 was made at Midway. We clean it up, and the residents
18 come back. We're not a relocation agency.

19 CO-CHAIRPERSON TAKVORIAN: Barbara.

20 ADVISORY COMMITTEE MEMBER LEE: This is an area I
21 don't have a whole lot of expertise in. If DTSC does not
22 have the ability in a circumstance like this to make a
23 recommendation to other agencies that do have the ability
24 to relocate people, who does?

25 DTSC ACTING DIRECTOR ROBINSON: I don't know. I

1 think everybody, at least in this room, overstates DTSC's
2 power. When we try to work with agencies, they say, "You
3 don't have the authority." But in here we're super
4 agency. We're not. There's a certain purview that we
5 have to stay within, and we stay within that.

6 ADVISORY COMMITTEE MEMBER LEE: Is there -- I
7 know your staff is busy. I'm busy. This is a real
8 stretch. Probably I'll have to take a vacation day,
9 because it's not really air pollution in Northern Sonoma.
10 But if I could come and sit down and talk with someone on
11 your staff who's familiar with the system and all the
12 agencies and how the pieces fit together, could someone on
13 your staff explain to me how it works if I could come over
14 and do that? Do you have the time for that?

15 DTSC ACTING DIRECTOR ROBINSON: Well, we had the
16 presentation at the last meeting, and you had a chance to
17 ask the question. But you know, we're open. We're open
18 to any kind of questions that we have. We will tell you
19 what we can and cannot do.

20 But, yeah, I mean, it's funny. When we had the
21 presentation and I had my staff here, there were no
22 questions. It was, you know, okay. Okay. But now -- I
23 mean, I guess I don't know.

24 ADVISORY COMMITTEE MEMBER VOLTURNO: We asked you
25 to meet with them and you didn't meet.

1 ADVISORY COMMITTEE MEMBER LEE: I apologize for
2 not, you know, being more thorough in questioning. I
3 don't, as I said, have much expertise in this area. And
4 so sometimes it's hard to know what questions to ask.

5 DTSC ACTING DIRECTOR ROBINSON: I understand.

6 ADVISORY COMMITTEE MEMBER LEE: But in a setting,
7 you know, maybe that's not, you know, a big forum like
8 this --

9 DTSC ACTING DIRECTOR ROBINSON: But I would like
10 you not to take vacation time. I would like you to do it
11 officially so I can say we have another professional from
12 this agency so --

13 ADVISORY COMMITTEE MEMBER WALLERSTEIN: I'll be
14 happy to do that, Leonard.

15 DTSC ACTING DIRECTOR ROBINSON: I'll bet you
16 would. Or I'll take vacation, too.

17 ADVISORY COMMITTEE MEMBER LEE: I would like to
18 come and have this discussion with you. And I will find a
19 way to work it out with my county that I can do that.

20 DTSC ACTING DIRECTOR ROBINSON: Anything we put,
21 we're going to say the county --

22 ADVISORY COMMITTEE MEMBER LEE: The county of
23 Sonoma, they'll love that.

24 DTSC ACTING DIRECTOR ROBINSON: -- of Sonoma is
25 100 percent agrees to whatever happens.

1 ADVISORY COMMITTEE MEMBER VOLTURNO: I just have
2 a quick comment. You know, I think our concern is that
3 what we were hoping was that when you met with the
4 community that a lot of these things that Barbara Lee is
5 wanting to come and address would have been able to be
6 addressed with the community that's being effected. So
7 they can have an understanding -- maybe understand you're
8 not responsible. We're not asking you to take
9 responsibility for something you can't do.

10 But what we were hoping is that through those
11 discussions that they could get an idea of what their next
12 steps are to be. And I think, you know, the fact that
13 nobody contacted that community after it was agendized and
14 it was communicated the fact you had met with them before
15 our last meeting had nothing to do with the fact at our
16 last meeting we asked you to meet with them between that
17 meeting and this meeting to build that relationship. And
18 you didn't meet with them. So, of course, that's going to
19 create more of a distrust with that community.

20 DTSC ACTING DIRECTOR ROBINSON: Understood.

21 ADVISORY COMMITTEE MEMBER VOLTURNO: So I think
22 that's where a lot of these questions and concerns are
23 coming from. We're disappointed that DTSC didn't meet
24 with the community. We didn't expect you to take
25 responsibility for things that are not in your purview.

1 What we had hoped for I think -- and I can't speak for the
2 whole Committee -- is that you sitting down with that
3 community could come up with a plan of attack, well, where
4 can they go? The same thing that Barbara Lee is offering
5 to do, the reason she's offering it is because DSTC didn't
6 contact the people from Midway Village. That's, to me,
7 where the disconnect is. That's why we're coming back to
8 you now. That was our question last time. Our question
9 was, could you sit with the community and come up with a
10 solution? And you said yes.

11 DTSC ACTING DIRECTOR ROBINSON: And I understand,
12 and I told you we're going to work to build a
13 relationship.

14 My question to the Committee is, if it was that
15 important, how come it didn't appear on the agenda?

16 ADVISORY COMMITTEE MEMBER VOLTURNO: I'm not
17 sure. I can't speak to that. I was thinking once you
18 were going to be building that relationship -- maybe
19 because we assumed you were going to be building that
20 relationship with that community. You had promised
21 yourself as an individual here representing DTSC you were
22 going to contact and meet with that community. So we had
23 assumed that relationship was going to start to build.
24 And now during public comment, you know, we hear from the
25 community that that didn't happen. So I think that

1 there's a disconnect there. And so that's -- I'm just
2 looking at resolve the disconnect.

3 MS. WILLIAMS: I'd like to add, you can't have it
4 both ways. It's supposed on the agenda, but then again
5 you wouldn't recommend it be a pilot project. So it
6 shouldn't come under these normal stipulations of
7 whatever.

8 But why should it take some sort of procedure for
9 him to take a position to work with the community and
10 follow through on his promise? And as he told me, he's a
11 man of God, which makes him a man of his word. And I'm
12 going to hold him to that. And he has not followed
13 through on that. So, actually, I should sit over a little
14 bit more, because when that strikes down, I don't want to
15 be in the area.

16 However, having said that --

17 DTSC ACTING DIRECTOR ROBINSON: I'll make it real
18 easy.

19 MS. WILLIAMS: Having said that, this is exactly
20 why the community has reacted the way that we have. It
21 takes a little while for agency people to settle in. But
22 for whatever reason, when they get in these positions,
23 when it comes to Mid Valley, these folks ignore the
24 issues. And that's because it's on the spot. As I've
25 said before and I'm going to end it again, if DTSC, the

1 departments, the offices, and the boards really wanted to
2 start effectively putting together public -- actual, not
3 meaningful. Because meaningful to them means this process
4 of what you've been witnessing. They need actual public
5 participation, actual inclusion of their recommendations
6 and things that need to be done.

7 And Midway Village has been a model. They used
8 it to put together this LSAG. And that was because we as
9 community people didn't know what we were doing. We just
10 figured we had to organize and do something to address
11 this problem. And so now we see DTSC and these agencies
12 trying to model it. But really what it is, it's their way
13 of controlling agents -- communities to follow their lead
14 and do what they want to do. And that's been the problem.

15 CO-CHAIRPERSON TAKVORIAN: LaDonna, I think
16 there's a motion on the table. So I'd like to -- there's
17 a motion and a second. I'd like to --

18 MS. WILLIAMS: There's a motion to say what?

19 CO-CHAIRPERSON TAKVORIAN: Barry, you want to
20 repeat it, or we can get it read back? The motion as I
21 heard it was to have a meeting with Secretary Lloyd and
22 whoever he deems appropriate and ask DTSC to respond to
23 the CEJAC request from the previous meeting.

24 CALEPA DEPUTY SECRETARY PRASAD: Just a
25 clarification. Is it a subgroup or only Barry on the part

1 of this Committee?

2 ADVISORY COMMITTEE MEMBER WALLERSTEIN: I think
3 there should be an invitation to the whole Committee to
4 attend the meeting.

5 CALEPA DEPUTY SECRETARY PRASAD: The question of
6 the moment it is the whole Committee, then it becomes that
7 it is a public meeting.

8 ADVISORY COMMITTEE MEMBER WALLERSTEIN: Well,
9 then notice it. Go ahead and notice it.

10 CALEPA DEPUTY SECRETARY PRASAD: Okay.

11 CO-CHAIRPERSON TAKVORIAN: So I think when we get
12 to the issue of the IWG, which I understand there's a
13 scheduling problem with and the agenda for the next
14 meeting, you know, those are two potential opportunities.
15 But we don't need to do that now because we're not setting
16 a date. We're just having the concept of meeting.

17 So can we get all those in favor?

18 (Ayes)

19 CO-CHAIRPERSON TAKVORIAN: Those opposed?

20 Abstentions?

21 ADVISORY COMMITTEE MEMBER JAHNS-SOUTHWICK: I
22 have a question before you vote on it.

23 My question was I thought this was a suggestion
24 on the motion was to present this at the IWG meeting on
25 October 25th. Apparently that was not the case?

1 CO-CHAIRPERSON TAKVORIAN: It is still on the
2 list of potential items for the IWG meeting on the 25th.
3 That hasn't been determined. Barry has an alternate idea
4 as well, so we wanted to get that moved. And so that's
5 now been accepted by the Committee. It may happen at both
6 times. We need to wait and see what we do for the IWG
7 meeting. Is that fair?

8 Thank you, LaDonna.

9 MS. WILLIAMS: I want to end this, because I want
10 it on record. That is the fact if DTSC is not going to
11 follow through on protecting our communities, especially
12 our low-income communities of color, then DTSC needs to be
13 dismantled, and they need to put in a new department that
14 is going to finally start doing the things that needs to
15 be done, from the Zeneca site, to Oakland, to
16 San Francisco, Hunters Point, to Midway Village. DTSC has
17 done the same ineffective actions and ignores our issues.
18 And it's time to put an end to it.

19 So what I'm recommending for all of those either
20 audio or e-mail or whatever on the net listening and those
21 around this table here, if we report back that nothing is
22 being done, I want all who's interested, I want to put
23 together a drive to have this department dismantled,
24 because it's useless.

25 CO-CHAIRPERSON TAKVORIAN: Thank you.

1 So we have two more public comments. The first
2 is Kendra Daijogo.

3 MS. DAIJOGO: Good afternoon, Co-Chairs and
4 Committee members. I just have some general comments,
5 very brief comments. I'm Kendra Daijogo with the Gualco
6 Group representing the California Council for
7 Environmental and Economic Balance. CEEB is comprised of
8 business leaders, organized labor leaders, and community
9 leaders. And CEEB has been an integral part of the
10 introductory phases of the guidance development of
11 cumulative impacts and precautionary approach efforts.

12 I read the updates that were provided online and
13 noticed that the next steps, one of the items on both the
14 cumulative impacts and the precautionary approach efforts
15 were form an open work group including government,
16 academic, community, and industry representation. We look
17 forward to participating and expect an open, transparent
18 process that is fair and consistent.

19 CEEB is an advocate for any exploration,
20 assessment, development of any cumulative impact analysis
21 or precautionary approaches to be objective and science
22 based. And we look forward to working with this Committee
23 and all the other affected departments. Thank you.

24 CO-CHAIRPERSON TAKVORIAN: And our last public
25 comment is from Alisha Deen. Is Alisha still here? No.

1 Okay.

2 Do you have a comment?

3 CALEPA DEPUTY SECRETARY PRASAD: It was just
4 clarified on the web pages that are available in terms of
5 the last transcript, what Mr. Dorsey said is actually
6 there on page 216 and 217.

7 CO-CHAIRPERSON TAKVORIAN: We have one other
8 public comment that apparently I don't have a card on,
9 Shabaka.

10 MR. HERU: Shabaka Heru, the Community Coalition
11 for Change, environmental organization out of Los Angeles.

12 I've been in the environmental field for about
13 ten years. I started dealing with a toxic site, got out
14 of it, and got back into it. About two years ago, I was
15 very happy to get involved with it again, because I
16 thought that it would be very meaningful just to sit at
17 the table. I thought everybody was really sincere and
18 earnest, but I really couldn't follow the conversations.
19 There were a lot of acronyms. There were a lot of things
20 that I had to catch up on. And it's very frustrating
21 because the more I understand now, the more I'm really
22 sort of cynical about the whole process.

23 In light of what's happened down in the Gulf
24 Coast with New Orleans, with Mississippi and Alabama, that
25 we can't deal with our problems in an effective way is

1 just unacceptable. I mean, I understand that we have
2 divergent interests, that people are coming from a variety
3 of aspects, but it's laughable. I'd like to get Chris
4 Rock or some of those guys in here to just look at what's
5 going on. I mean, we talk at and over one another. I
6 mean, it's like these acronyms. Every time I pick up a
7 paper, it's like a puzzle.

8 When I hear certain people speak, it's like what
9 we saw in New Orleans. Passing the buck. Nobody taking
10 effective responsibility for what's going on. And I would
11 really be amazed if a major catastrophe happened in the
12 state of California. And we're one of the places that --
13 I mean, we could really be hit by an earthquake.

14 I would just -- you know, someone was saying in
15 the last little exchange there about trust and about -- I
16 mean, I hope I'm not out of order, because the whole thing
17 comes down to speaking correctly and not burning your
18 bridges so that you can go back. I'm glad that I can talk
19 to Leonard Robinson and Barry Wallerstein and Barbara and
20 Joe and some of the other people, Shankar. Everybody has
21 been very cool. But it seems like we just go in one big
22 circle and nothing happens unless you really have a
23 fortunate occurrence happen.

24 I was very fortunate with my incident to run into
25 some people with technical expertise like Joe and Angela

1 Johnson-Rosaros. And right now I have four lawyers
2 working with me. I have three or four student interns,
3 two college professors. And every time I talk to them,
4 it's lot of drama, because they're telling me about things
5 I should have known about a long time ago.

6 There is no transparency to what's going on up
7 here. We're talking about among a small collective click.
8 I'd like my community to be actually brought in on this
9 process. I'd like for us to actually know what's going on
10 in our community. I'd like for this language -- it
11 reminds me of upscale ebonics. Because I have the same
12 trouble talking to the kids in my neighborhood that I have
13 talking to you people. I don't know what the hell is
14 going on. I don't know what nobody is talking about any
15 more. Let's break it down. Let's make it clean. Let's
16 make it transparent. Let's talk with one another. Let's
17 not play these clicky games. I did that when I was a kid.

18 It's a pleasure to be here to see what's going
19 on. I really am enjoying the process. But, people, we
20 need to ratchet it up a whole lot. We need to do a lot
21 more serious work, and we need to include the people in
22 these communities that are being disproportionately
23 affected by this environmental chaos. Thank you.

24 CO-CHAIRPERSON TAKVORIAN: I think that's a very
25 good segue into our next item, which is the election of

1 two new Co-Chairs.

2 So, for myself, I'd like to thank you all for the
3 opportunity to serve in this role. I have to say it's
4 been both rewarding to accomplish quite a bit and to work
5 with the folks that I had an opportunity work with, and
6 it's been frustrating. And it's been --

7 COMMITTEE MEMBER MAGNANI: Run again.

8 CO-CHAIRPERSON TAKVORIAN: Not going to happen.

9 I've really appreciated the staff's support from
10 Romel to Shankar and the opportunity to serve with Dee.
11 And I'm more than ready to turn it over to someone else.

12 Dee, any parting words?

13 CO-CHAIRPERSON ALLEN: I'd just like to thank the
14 Committee for working with the two Co-Chairs. It's not
15 easy being a Co-Chair of this group. And I think
16 everybody on the Committee should go through it.

17 But we have actually developed a lot of
18 relationships. And I think part of what EJ is about is
19 developing relationships and creating a level of trust so
20 that we're going into issues without having our own
21 individual agendas. And so it has been a growth for me.
22 And I have many contacts, and we'll still be a part of the
23 Committee. Just won't be leading it. So thank you very
24 much.

25 And, of course, thank you to the staff, Shankar

1 and Romel for that. I remember when we're talking about
2 being a Co-Chair, oh, those meetings are only going to be
3 like three a year. And I think it was 30 that year. I
4 can't remember. But anyway, I wanted to thank the staff,
5 because without their support, we cannot do what we do as
6 Co-Chairs. So thank you.

7 CO-CHAIRPERSON TAKVORIAN: So we will --

8 (Applause)

9 CO-CHAIRPERSON TAKVORIAN: So we'd like to open
10 the floor for nominations.

11 Henry.

12 ADVISORY COMMITTEE MEMBER CLARK: Well, first of
13 all, I want to thank you, Diane and Dee, for your
14 commitment to environmental justice and serving as the
15 Chairs of our Committee for the past several years. I
16 think you both did a very outstanding job in that regard.

17 In regard to the nominations, I have a nomination
18 to put on the floor. I would nominate Joe Lyou for Chair
19 and Barbara Lee for Co-Chair.

20 CO-CHAIRPERSON TAKVORIAN: Okay. Are there --
21 Dee.

22 CO-CHAIRPERSON ALLEN: I have also a nomination
23 for one of the Chairs, Dr. Henry Clark.

24 ADVISORY COMMITTEE MEMBER CLARK: I thank you for
25 the nomination, but I'm going to decline it at the moment.

1 ADVISORY COMMITTEE MEMBER KIDOKORO: I think that
2 that is a good combination. I don't know if it's Chair
3 and Co-Chair or Co-Chair and Co-Chair.

4 CO-CHAIRPERSON TAKVORIAN: Two Co-Chairs. Well,
5 Dee's always been in charge of me. Yeah, two Co-Chairs.

6 ADVISORY COMMITTEE MEMBER KIDOKORO: In any case,
7 I think Joe and Barbara I think would make great
8 Co-Chairs. I think similar to you, Diane and Dee, they've
9 had a history of being on the Committee. And I think that
10 kind of both the consistency argument and also just to
11 kind of a lot of the hard work and very kind of productive
12 forces they've been I think I would support that as well.

13 CO-CHAIRPERSON TAKVORIAN: Okay. Are there
14 other -- is there a second to Henry's motion?

15 ADVISORY COMMITTEE MEMBER JOSE: Yes.

16 CO-CHAIRPERSON TAKVORIAN: Were you seconding it?

17 ADVISORY COMMITTEE MEMBER KIDOKORO: Yes.

18 CO-CHAIRPERSON TAKVORIAN: We have competition
19 for the second. You'll decide. Okay.

20 Are we ready to vote? All those in favor.

21 (Ayes)

22 CO-CHAIRPERSON TAKVORIAN: Those opposed?

23 Abstention?

24 (Abstentions)

25 ADVISORY COMMITTEE MEMBER LYOU: I'm not going to

1 vote for myself.

2 ADVISORY COMMITTEE MEMBER MAGNANI: I'll vote
3 twice for Joe.

4 CO-CHAIRPERSON TAKVORIAN: Our new Co-Chairs,
5 Barbara and Joe.

6 (Applause)

7 CO-CHAIRPERSON TAKVORIAN: I'm told we will now
8 take a break for the court reporter. And what I'd love is
9 for you two to be sitting up here when we come back.

10 However, see, this is the thing. I get this from both
11 sides, and I always get it wrong. The Secretary has to
12 approve your nominations. So apparently you'll sit here
13 after that occurs. So next meeting. Okay. Thank you.

14 We are going to take a ten-minute break and come
15 back and fulfill probably a modified agenda.

16 (Thereupon a recess was taken.)

17 CO-CHAIRPERSON TAKVORIAN: After intensive
18 consultation between the now retired Co-Chairs -- I
19 haven't had a drink in 30 years. But this may be the day.
20 We are making the suggestion that we move forward now with
21 a discussion of the IWG meeting, that we add an item to
22 discuss the next meeting and what the topics are for that
23 meeting, and that we move the cumulative impacts
24 discussion to that meeting, to the next CEJAC meeting.

25 So is that acceptable?

1 So the item then is the presentation to the IWG,
2 which is scheduled for October 25th. And the two items
3 that I noted, and I may not have caught them all, was the
4 public participation --

5 CO-CHAIRPERSON ALLEN: I'm sorry. I have to
6 interrupt the Co-Chair. I can probably do this because
7 I'm out.

8 But two people that we did not recognize, and I'm
9 so upset I didn't do that, is Jeanine and Malinda for
10 everything they've done for us and the Committee.

11 (Applause)

12 CO-CHAIRPERSON ALLEN: Thank you so, so very
13 much.

14 CO-CHAIRPERSON TAKVORIAN: Very well worthwhile.
15 Thank you.

16 So the two items that I said that we wanted to
17 bring to the IWG are a discussion of the public
18 participation, and in particular the issue of
19 resources/funding for community organizations that was
20 raised.

21 And second item is potentially the Midway Village
22 item, and whether we want that item to come to the IWG or
23 whether we want that item to come to an alternate meeting
24 or to both.

25 Those are the two items I heard. I'm certain

1 there are others.

2 ADVISORY COMMITTEE MEMBER LEE: On the issue of
3 the funding for community groups, I think it was funding
4 for capacity building and public participation. Not
5 specific -- I'm afraid if we agendize it as funding for
6 community groups, it will be dismissed as an idea that --

7 CO-CHAIRPERSON TAKVORIAN: It's part of the
8 public participation.

9 ADVISORY COMMITTEE MEMBER LEE: I just wanted to
10 make sure.

11 CALEPA DEPUTY SECRETARY PRASAD: I want to
12 clarify something. We are not setting the agenda for the
13 IWG meeting. There will be a time in which the CEJAC will
14 have an opportunity to make a presentation and provide the
15 comments to the IWG, and depending on how much time the
16 IWG decides to allocate. And I will take these things to
17 them and these are the items that have been recommended by
18 the CEJAC that would like to be discussed at the upcoming
19 meeting.

20 CO-CHAIRPERSON TAKVORIAN: That's right. Thank
21 you, Shankar. This is in the context of our report to
22 them and items we'll ask them to discuss.

23 ADVISORY COMMITTEE MEMBER LEE: Especially if
24 it's going to be one of those limited time things, you
25 know, where the CEJAC has a few minutes to raise issues of

1 concern to the IWG or something like that. I don't know
2 how the Committee feels, but I'm wondering if what we want
3 to do is have our discussion of Midway Village at the next
4 meeting of the CEJAC, and then perhaps coming out of a
5 more robust discussion we might have something specific to
6 communicate to the IWG. I don't know.

7 CO-CHAIRPERSON TAKVORIAN: Why don't we take
8 those questions one at a time. So isn't the IWG, is it an
9 all day meeting or --

10 CALEPA DEPUTY SECRETARY PRASAD: I think it's
11 10:00 to 3:00.

12 CO-CHAIRPERSON TAKVORIAN: So do you have a sense
13 of how much time we might -- the CEJAC may have on it on
14 the agenda?

15 CALEPA DEPUTY SECRETARY PRASAD: It much depends
16 to an extent, because there is a public comment period.
17 If you recall last time, the CEJAC took as a CEJAC report
18 as well as took as a public comment. So it needs to kind
19 of -- how you want to orchestrate that aspect essentially
20 depends on how you want to present this. To an extent,
21 there definitely will be at least about an hour's time
22 totally will be including you and what you want to say and
23 they want to respond to for this aspect. But because
24 there are other issues that some other agency heads have
25 expressed they would like to be discussed. So I can

1 definitely say that it will be one hour for CEJAC.

2 CO-CHAIRPERSON TAKVORIAN: Why don't we take
3 Barbara's suggestion and see what the sense of the
4 Committee is about moving Midway Village to the November
5 CEJAC meeting, having the discussion that we described
6 earlier, and then looking at whether or not it's
7 appropriate to take that to the IWG at a later time. Is
8 that a fair description?

9 ADVISORY COMMITTEE MEMBER LEE: Yeah. When you
10 mention the November meeting, the one concern that raises
11 for me is whether any of the Midway Village participants
12 will be able to attend that meeting, because I understand
13 it's going to be in Southern California; is that correct?

14 CALEPA DEPUTY SECRETARY PRASAD: Correct. And
15 the reason being I think most of the interest has been on
16 that hydrogen highway. That location will probably will
17 be Southern California. And many groups with whom we met
18 earlier a couple of times they have expressed interest to
19 meet again at that place.

20 ADVISORY COMMITTEE MEMBER JONES: Do we have a
21 sense of what the IWG has on their agenda and what they're
22 discussing? And do we also have a sense of what they
23 might be asking for us to come forward with
24 recommendations on or a discussion about?

25 CALEPA DEPUTY SECRETARY PRASAD: A couple of

1 items that you helped pass earlier, the goals of the pilot
2 projects, that has to go through that process. And the
3 role of this Committee which was kind of circulated and
4 discussed has to be symbolized and formalized.

5 And in addition, the DPR -- and there has not
6 been a strong place at which the IWG has had a chance to
7 really hear the comments on the pilot projects. So if
8 there are any specific comments, there is a placeholder
9 kept on the pilot projects that are ongoing. And each of
10 the agency heads have kind of indicated that they may have
11 a couple of issues raised, and I'm waiting to hear from
12 them by early next week on that.

13 CO-CHAIRPERSON TAKVORIAN: Okay.

14 ADVISORY COMMITTEE MEMBER CLARK: I have a couple
15 of points about that. So in regard to our referring the
16 Midway item to the IWG, is that -- have we decided to do
17 that? What does that mean that the item is guaranteed to
18 be on their agenda?

19 CALEPA DEPUTY SECRETARY PRASAD: I would take it
20 as a recommendation and discuss it with the Secretary and
21 the rest of the group. And you will know beforehand two
22 weeks before the meeting whether it gets agendized for
23 that meeting or not.

24 ADVISORY COMMITTEE MEMBER CLARK: Because I would
25 like to put off the item for a meeting in Los Angeles,

1 because I don't think that people from Midway is going to
2 be coming to that meeting in L.A., you know. And they've
3 already been basically put off and waiting for some
4 answers, you know. And to just keep prolonging and
5 prolonging it is not going to result in any building any
6 confidence between Midway Village people and DTSC. It
7 seems to me like as soon as we can get some answers, the
8 better off that we would be.

9 CO-CHAIR TAKVORIAN: Joe and then Barbara.

10 ADVISORY COMMITTEE MEMBER LYOU: I'm a little
11 confused. If this Committee chooses in its presentation
12 to IWG to talk about Midway Village, is there something
13 that might prohibit us from doing it?

14 CALEPA DEPUTY SECRETARY PRASAD: No. If you are
15 expecting that they will make a presentation on it at the
16 meeting, that --

17 ADVISORY COMMITTEE MEMBER LYOU: We can inform
18 them that it's our intent to in our presentation --

19 CALEPA DEPUTY SECRETARY PRASAD: Certainly, I
20 will take your recommendation and present it to them.

21 ADVISORY COMMITTEE MEMBER LYOU: Leonard doesn't
22 have to necessarily be prepared to discuss it on an agenda
23 item.

24 CO-CHAIRPERSON TAKVORIAN: Joe, can we capture
25 that clarification? That there's a report our Committee

1 can make in which we're transferring information, and that
2 certainly can be one of those items. I think the other
3 item or items are items that we would ask CEJAC to take up
4 like --

5 ADVISORY COMMITTEE MEMBER LYOU: IWG to take up,
6 yes.

7 CO-CHAIRPERSON TAKVORIAN: Would you ask DTSC to
8 make a report on the recommendations that CEJAC made
9 previously?

10 ADVISORY COMMITTEE MEMBER LYOU: We should be
11 clear about what we're talking about.

12 CO-CHAIRPERSON TAKVORIAN: I think we can say
13 whatever we want in our report. It's whatever they act
14 on.

15 ADVISORY COMMITTEE MEMBER LYOU: That's exactly
16 what I wanted clarification.

17 The other thing is in our presentation, I mean,
18 if they're going to be talking about the goals and the
19 role of our Committee, I think we have to be prepared to
20 present at least, you know, I mean some background.

21 CALEPA DEPUTY SECRETARY PRASAD: You have already
22 made that determination. Only those comments and the role
23 of this Committee as well as the goals of the pilot
24 projects have already gone through the Committee. Only
25 thing, they have not formally presented to the IWG. So it

1 is nothing new that has happened on that aspect.

2 ADVISORY COMMITTEE MEMBER LYOU: So they're going
3 to take what's on the paper and just discuss it without
4 any input from us?

5 CALEPA DEPUTY SECRETARY PRASAD: No. You are
6 welcome to have an input. It's not anything new, that's
7 what I'm saying, as far as your recommendation and what
8 you have all agreed on. As a Committee, you will be there
9 in case something comes up to point out or to comment on.

10 CO-CHAIRPERSON TAKVORIAN: So it seems to me that
11 in our report we might want to start with, these are the
12 goals that we identified for the pilot project, and here's
13 why. That's part of what I'm hearing from you. And
14 here's the role of the Committee and here's why. And then
15 if there's going to be an action taken by them to adopt
16 what we've suggested, then they have a rationale and a
17 background for that.

18 ADVISORY COMMITTEE MEMBER LYOU: That's what I
19 was hoping.

20 CO-CHAIRPERSON TAKVORIAN: Barbara.

21 ADVISORY COMMITTEE MEMBER LEE: I was just
22 wondering if the location of the next CEJAC meeting is
23 absolutely for certain or if the Committee decided it
24 would be better to have it up here, that we could make
25 that request.

1 CALEPA DEPUTY SECRETARY PRASAD: Certainly we'll
2 consider it.

3 CO-CHAIRPERSON TAKVORIAN: So, as usual, these
4 things are melding into each other. It seems like what
5 the agenda for the next meeting is obviously relates to
6 what the IWG meeting, the issues we want to bring to the
7 IWG. So am I understanding it correctly we're going to
8 meet in Southern California because that's where we would
9 do the facility tour? Okay. So -- and how long is the
10 facility tour?

11 CALEPA DEPUTY SECRETARY PRASAD: Half day.

12 CO-CHAIRPERSON TAKVORIAN: Okay. So I think
13 given that it impacts the IWG, maybe what we should -- the
14 question is, does the Committee want to have a facility
15 tour and therefore meet in Southern California, if that's
16 the only reason we're meeting there?

17 CO-CHAIRPERSON ALLEN: I guess the add-on
18 question to that, you mentioned half a day. What are we
19 going to be doing for half a day?

20 CALEPA DEPUTY SECRETARY PRASAD: Visiting the
21 facility and driving back and forth to where the meeting
22 would be held. That is something that when you are in
23 Southern California you have to get consideration for that
24 aspect. If the Committee chooses that they don't want to
25 visit the site, that's fine, and I will communicate the

1 same.

2 ADVISORY COMMITTEE MEMBER VOLTURNO: Well, I
3 mean, I'm wondering, because we didn't talk about going to
4 see this facility. And half a day, you know, it seems
5 like when we have all these things on our agenda, we have
6 a lot of priorities that have been set forth already, it
7 seems like going half a day to take a facilities tour that
8 we haven't discussed may not be the best use of our time
9 and resources. So I think that's something that should be
10 up for discussion rather than a decision be made.

11 CO-CHAIRPERSON TAKVORIAN: Martha, is your
12 comment on this point?

13 ALTERNATE ADVISORY COMMITTEE MEMBER ARGUELLO:
14 No.

15 CO-CHAIRPERSON TAKVORIAN: Can we get a --

16 ADVISORY COMMITTEE MEMBER VOLTURNO: I mean,
17 frankly, I don't see -- myself, my personal opinion, I
18 don't know that I see the necessity of going on a
19 half-a-day tour to this facility.

20 CO-CHAIRPERSON TAKVORIAN: Did you want to make a
21 motion?

22 ALTERNATE ADVISORY COMMITTEE MEMBER ARGUELLO:
23 No, I don't. So let somebody else do that.

24 ADVISORY COMMITTEE MEMBER VOLTURNO: Shankar, can
25 you tell us what the purpose of going to the facility is?

1 Is this a production facility or is -- what type of
2 facility are we going to see?

3 CALEPA DEPUTY SECRETARY PRASAD: Actually, the
4 right person would have been Lisa Kasper, who made the
5 presentation on that, which exactly the facility and so
6 on. So I can certainly send you some write-up on what
7 they want to accomplish.

8 ADVISORY COMMITTEE MEMBER VOLTURNO: You don't
9 know the purpose of going to visit the facility?

10 CALEPA DEPUTY SECRETARY PRASAD: It is more an
11 educational opportunity.

12 ADVISORY COMMITTEE MEMBER VOLTURNO: Okay. I
13 mean, I don't know. It's not up to me. It's up to the
14 whole Committee so --

15 CO-CHAIRPERSON TAKVORIAN: Do you have a
16 suggestion for the Committee?

17 ADVISORY COMMITTEE MEMBER VOLTURNO: I would
18 suggest we get clarification from Lisa on what the purpose
19 of the visit is, what we're going to see. I mean, what I
20 don't want to see happen -- my concern is that all of
21 these priorities and all of these agenda items that we
22 have set forth are all kind of being interrupted by the
23 hydrogen highway. And so, I mean, this was the first I
24 heard of it, was through the e-mails before this meeting.
25 I'm just a little concerned about all the priorities. I

1 mean, our pilot projects are already running somewhat
2 behind. I have a concern about that. I would want to
3 take a look at what the purpose of the site tour and what
4 exactly we're going to see. If it's not a production
5 facility, is this just going to kind of be like a dog and
6 pony show, or is this going to be something educational?
7 I just want to know.

8 CO-CHAIRPERSON TAKVORIAN: Martha.

9 ALTERNATE ADVISORY COMMITTEE MEMBER ARGUELLO:

10 Well, I agree. I mean, I'm very concerned to take half a
11 day. We now have the hydrogen highway on our plate, which
12 means a whole lot of research and background for many of
13 us to meaningfully participate in that discussion and ask
14 the right questions. And we asked some questions today
15 that weren't answered.

16 So I think that -- I'm not sure on how Robert's
17 Rules of Order work. I would like to see the questions
18 to -- the answers to the questions that we asked earlier
19 on the hydrogen highway and that we, as a Committee, also
20 need to ask some more questions about to get up to speed.
21 I wouldn't know what to ask on the tour, whether it be
22 it's a fueling -- now I regret I didn't go on the tour at
23 Barry's facility. If it's a fueling station or production
24 facility, I need a lot more time to prepare, at least
25 personally, and to speak to other experts on what are some

1 of the issues.

2 I would move that we not do the tour this next
3 visit. Yeah. That's the motion. We hold off on the
4 visit until we have more information.

5 ADVISORY COMMITTEE MEMBER VOLTURNO: I would
6 second that.

7 CO-CHAIRPERSON TAKVORIAN: Henry, do you want to
8 speak to the motion?

9 ADVISORY COMMITTEE MEMBER CLARK: Yeah. Well,
10 I'm not actually recalling what the tour of the facility
11 that we were proposed to tour really is. I guess it's
12 something related to the hydrogen highway. But the fact
13 is that, I mean, there's a facility, a hydrogen fuel cell
14 project, located right in West Sacramento with all the
15 major auto makers that are experimenting with the hydrogen
16 fuel cell cars. And they have a fueling station there,
17 you know, just down the road here. So if you wanted to
18 really tour some facility and see the cars, the auto
19 manufacturers and with testing their cars and see a
20 fueling station, you can do that right in West Sacramento
21 where the California Fuel Cell Project is located at.

22 CO-CHAIRPERSON TAKVORIAN: Bill.

23 ADVISORY COMMITTEE MEMBER JONES: Somebody
24 mentioned earlier today that there was some kind of a
25 statutory requirement that CEJAC be involved with this

1 hydrogen highway. Does anybody know what that statutory
2 requirement is? Is that what we're reacting to here?

3 ADVISORY COMMITTEE MEMBER LYOU: The statutory
4 requirement does not say we have to tour any fuel cell
5 facilities. It says, "They will hold at least one public
6 meeting of the CalEPA Environmental Justice Committee
7 which established pursuant to Section 72002 of the Public
8 Resources Code to solicit the Committee's input on the
9 appropriate siting criteria and location of hydrogen
10 fueling stations and production facilities to address any
11 environmental justice concerns."

12 That's the statutory requirement.

13 ADVISORY COMMITTEE MEMBER JONES: Okay. So we
14 had that meeting. We asked for some comments. I presume
15 that people will do that.

16 CALEPA DEPUTY SECRETARY PRASAD: Correct.

17 ADVISORY COMMITTEE MEMBER JONES: Through the
18 Committee, or is that what your intent is?

19 CALEPA DEPUTY SECRETARY PRASAD: Through the
20 Committee, yeah.

21 ADVISORY COMMITTEE MEMBER JONES: My other
22 comment is in terms of going to L.A., you know being from
23 L.A., I think that's a great idea. I also have to say
24 there's many in the audience that have been coming up to
25 Sacramento time and time and time again. So it is a good

1 idea to share in that burden every now and then. We don't
2 do it that often. The last time we did it was three years
3 ago. It'd be nice to have a full meeting down in L.A.

4 CALEPA DEPUTY SECRETARY PRASAD: I'm not
5 suggesting that you should take the tour. But this was an
6 opportunity offered, and that is the recommendation from
7 Lisa as made during the presentation. So if the Committee
8 chooses that they do not want to go on a tour, that's
9 fine, and I will communicate the same.

10 CO-CHAIRPERSON TAKVORIAN: Brenda.

11 ADVISORY COMMITTEE MEMBER JAHNS-SOUTHWICK: I
12 just want to play devil's advocate here and say that we do
13 have the statutory obligation. I personally would find it
14 useful to tour a facility. It would help me in terms of
15 my input, because it's a highly technical issue. And I
16 have found that touring facilities and actually seeing
17 what's going on, especially with a brand-new topic with
18 which I have no familiarity, I would find the tour
19 valuable. I would hope it wouldn't take half a day. But
20 if it does, it does.

21 And I do not state a preference for West
22 Sacramento or Los Angeles. But I think tours when you are
23 in unfamiliar territory and being asked by statute to have
24 input, I would find the tour useful.

25 CALEPA DEPUTY SECRETARY PRASAD: An option to

1 consider would be those who want to have the tour to be
2 able --

3 CO-CHAIRPERSON TAKVORIAN: Dee, do you have a
4 comment?

5 CALEPA DEPUTY SECRETARY PRASAD: Those who are
6 interested even could consider having a tour on an
7 afternoon previous day and have a meeting -- all-day
8 meeting on the following day. That's another option to
9 consider.

10 CO-CHAIRPERSON TAKVORIAN: I'm calling on you.
11 You have your card up.

12 CO-CHAIRPERSON ALLEN: I think perhaps that's a
13 good idea.

14 The question I had is that -- and I can't
15 remember. Are they going to bring siting criteria back to
16 this Committee before December?

17 CO-CHAIRPERSON TAKVORIAN: Yeah. They're
18 supposed to get it to us ahead of time.

19 CO-CHAIRPERSON ALLEN: So my sense is that the
20 tour is going to help you as you are making
21 recommendations on the siting criteria. So I think you
22 need to have it. It's just whether it's a half day or
23 not. Maybe your suggestion of having it the day before
24 for those who want, perhaps, is a way to look at it. I
25 don't care.

1 CO-CHAIRPERSON TAKVORIAN: Berry.

2 ADVISORY COMMITTEE MEMBER WALLERSTEIN: I think
3 the Committee ought to decide where you want to meet next.
4 If you want to meet in Los Angeles in the Los Angeles
5 area, I will once again volunteer our facility. It
6 doesn't -- if you come meet at our facility, then you
7 don't have to worry about taking a half day. We can
8 arrange to have multiple vehicles if someone wants to
9 drive a vehicle. We have an electrolysis, which is the
10 cleanest state-of-the-art way of producing hydrogen. We
11 also, as I mentioned, have a hydrogen backup generator.
12 And in addition to that, a few feet away from the hydrogen
13 pump is a state-of-the-art natural gas fueling facility.

14 And so there are synergies between natural gas
15 and hydrogen and the ability to blend the fuels to
16 Hythane. So it would -- you know, our facility would be,
17 I think, as good as any facility to visit. And we have
18 meeting rooms that would accommodate the Committee, so on
19 and so forth, if you want to meet in the Los Angeles area.

20 Now if you want to meet up here, then I think you
21 have to go over to the Fuel Cell Partnership.

22 ALTERNATE ADVISORY COMMITTEE MEMBER BRAVO: How
23 long would it take to tour your facility?

24 ADVISORY COMMITTEE MEMBER WALLERSTEIN: I think
25 -- and I'm hesitating for a second. You know, you're

1 going to look out at a big metal cabinet and the staff
2 will open it up, show you here's a compressor and here are
3 the tubes we store the hydrogen in. And here's a diagram
4 on the wall that shows how all this works. And here's a
5 pump. Oh, my God. It look like a regular old natural gas
6 fueling pump, but it says hydrogen. You put a little wire
7 to ground the vehicle. It doesn't take that long to
8 actually have someone show you the equipment and explain
9 the equipment.

10 What would take a little bit longer is if people
11 actually want to drive the cars around the block, would
12 take a little bit longer. So I think we could spend maybe
13 an hour, hour and 15 minutes, and you would have a good
14 basis for your decision making on providing advice.

15 ADVISORY COMMITTEE MEMBER MAGNANI: And would
16 there be an opportunity to have technical expertise from
17 the manufacturer available to answer technical questions
18 about the technology and --

19 ADVISORY COMMITTEE MEMBER WALLERSTEIN: Actually,
20 the CARB staff would be there. And I have a Ph.D.
21 mechanical engineer who spends almost all of his time on
22 these matters that are quite expert. And to the degree
23 that I know you're coming out to our facility, we would
24 probably contact the Honda people to bring over a few more
25 of the cars. So I've got --

1 ALTERNATE ADVISORY COMMITTEE MEMBER ARGUELLO:

2 You're doing a very good selling job.

3 ADVISORY COMMITTEE MEMBER WALLERSTEIN: I'm not
4 trying to sell.

5 CO-CHAIRPERSON TAKVORIAN: Did you want to amend
6 your motion?

7 ADVISORY COMMITTEE MEMBER VOLTURNO: Yeah. It's
8 actually Martha's motion that I seconded. But if she's
9 willing, then I would be willing to amend it to have
10 the -- at Barry's facility. And then we will still have
11 time for a meeting, it sounds like, to put in some time.

12 So I would amend the motion to be that we have
13 the meeting at Barry's facility and that we do the tour
14 there and that we maybe invite Lisa to that as well.

15 CO-CHAIRPERSON TAKVORIAN: Yeah. I think she's
16 making the staff report.

17 ALTERNATE ADVISORY COMMITTEE MEMBER BRAVO: Would
18 you loan some cars to the communities to go down there
19 from here?

20 CO-CHAIRPERSON TAKVORIAN: Okay. Do we need --

21 CALEPA DEPUTY SECRETARY PRASAD: I just want to
22 bring up one point. Very often when we try to hold a
23 meeting and go to El Monte or to Diamond Bar, we often get
24 to decide that's not a place in a EJ community or EJ
25 people to be able to attend the meeting. And if our

1 intent here is to reach a place and reach more to the
2 local people, whether there would be the right location is
3 an important issue that needs to be considered, too. We
4 have been criticized quite often on that aspect. So I
5 want to open it for some thoughts into that.

6 CO-CHAIRPERSON TAKVORIAN: Well, I have to say
7 that that was not the intended -- the stated purpose of
8 meeting in L.A. was the facility tour. We wouldn't have
9 been meeting repeatedly in this room if we were trying to
10 address that issue. I mean, I think we have to do one
11 thing at a time.

12 ADVISORY COMMITTEE MEMBER WALLERSTEIN: I
13 appreciate what Shankar just said. But all the EJ people
14 that were testifying earlier came an awful long way from
15 the Los Angeles area to come up here, and our offices are
16 obviously a lot closer.

17 My biggest concern would be if we're going to
18 talk about Midway. It would help if Cal EPA had an
19 ability to help a few people come down to attend the
20 meeting, much like you did that first meeting that we had
21 at USC.

22 CO-CHAIRPERSON TAKVORIAN: Can we take action on
23 the motion, which is to have the meeting at the AQMD
24 facility in Diamond Bar, have a less than two-hour tour
25 followed by our Committee discussion on the hydrogen

1 highway and the siting criteria, which would be a sharp
2 discussion because we'll get all the materials ahead of
3 time. And it will address the issues that have been
4 raised in terms of exposure risks associated with
5 reduction and fueling facilities. I think we need to have
6 all that data going in and the draft siting criteria and
7 the draft RFP so that we're all very prepared when we come
8 to the meeting and do the facility tour. Then have --
9 probably we're going to have a two-hour conversation about
10 it. So the whole thing would probably take half a day for
11 the hydrogen highway part and then we would leave another
12 half-day for the rest of our agenda? Does that sound
13 right?

14 Joe.

15 ADVISORY COMMITTEE MEMBER LYOU: Can we maybe
16 switch that stuff around so the hydrogen highway stuff
17 happens in the afternoon?

18 CO-CHAIRPERSON TAKVORIAN: I was just trying to
19 say half and half.

20 ADVISORY COMMITTEE MEMBER LYOU: I'm going to
21 have to leave that meeting probably around 2:30 in order
22 to take care of the child care responsibilities.

23 CO-CHAIRPERSON TAKVORIAN: Barry, is there a
24 problem with an afternoon tour?

25 ADVISORY COMMITTEE MEMBER WALLERSTEIN: Well, I

1 was late today, because I was helping take care of my
2 15-year-old. So I'm sympathetic to your twins.

3 I just think it's very important that we not let
4 time get away from us to where we don't fulfill a
5 statutory request. I think it's wonderful that the
6 Legislature thought of this group subsequent to its
7 creation to ask for advice through this group. And I
8 think we ought to be reinforcing, you know, solicitation
9 of environmental justice through a Committee such as this
10 is all.

11 CO-CHAIRPERSON TAKVORIAN: Well, Joe, you and
12 Barbara now comprise the Protocol Committee with whoever
13 else wants to help you. So I think we should leave it to
14 you.

15 So the motion is on the table, L.A.

16 ADVISORY COMMITTEE MEMBER WALLERSTEIN: Go ahead
17 with the motion.

18 CO-CHAIRPERSON TAKVORIAN: Can we do that?

19 All those in favor.

20 (Ayes)

21 CO-CHAIRPERSON TAKVORIAN: Opposed?

22 (Nays)

23 CO-CHAIRPERSON TAKVORIAN: Abstentions?

24 Okay, Barry.

25 ADVISORY COMMITTEE MEMBER WALLERSTEIN: Do you

1 know what date it's going to be?

2 CO-CHAIRPERSON TAKVORIAN: Yeah. November 15th.

3 So then the question is, what else is happening?

4 We need to finish what else is happening on this day and

5 what else is happening at the IWG meeting on the 25th.

6 So Joe and then David.

7 ADVISORY COMMITTEE MEMBER LYOU: I'd like to put

8 on our agenda amendments to the bylaws.

9 CO-CHAIRPERSON TAKVORIAN: David.

10 ADVISORY COMMITTEE MEMBER LYOU: Would you like

11 an explanation?

12 ADVISORY COMMITTEE MEMBER WALLERSTEIN: I want to

13 know what you had in mind.

14 ADVISORY COMMITTEE MEMBER LYOU: There are

15 certain corrections that need to be made to the bylaws.

16 And then based on our changes to our role, there are

17 actually a little small substantive section needs to be

18 amended too.

19 CO-CHAIRPERSON TAKVORIAN: You'll send it out

20 ahead of time?

21 ADVISORY COMMITTEE MEMBER LYOU: It will be sent

22 out ahead of time, per our bylaws, 30 days in advance of

23 the meeting. I think we need to take another look at the

24 bylaws. There are certain corrections. For example, we

25 no longer have an Assistant Secretary for environmental

1 justice. Yet, throughout the document it says that we
2 have to have an Assistant Secretary for environmental
3 justice.

4 CO-CHAIRPERSON TAKVORIAN: David.

5 ADVISORY COMMITTEE MEMBER ARRIETA: On the Midway
6 Village discussion, I just wanted to clarify what's going
7 to happen before and to that point. As I understand it,
8 Barry and Barbara are going to meet with DTSC sometime
9 soon to discuss creative ways of dealing with this issue.
10 That's what I understood Barbara to say. And you
11 volunteered, Barry.

12 ADVISORY COMMITTEE MEMBER WALLERSTEIN: Did I?

13 ADVISORY COMMITTEE MEMBER MAGNANI: Yes, did you.
14 I made a note of that.

15 ADVISORY COMMITTEE MEMBER ARRIETA: Yes, you did.
16 That's the first thing that's supposed to happen.

17 The second thing that's supposed to happen is
18 we're supposed to get a draft RFP or a concept paper of
19 what the project is supposed to look like.

20 CO-CHAIRPERSON TAKVORIAN: The Midway Village
21 project?

22 ADVISORY COMMITTEE MEMBER ARRIETA: No. Hydrogen
23 highway.

24 CO-CHAIRPERSON TAKVORIAN: They were supposed to
25 get siting criteria, the risks associated with production

1 and fueling facilities, the draft RFP and pictures.

2 ALTERNATE ADVISORY COMMITTEE MEMBER ARGUELLO:

3 And then I talked to Joe's alternate, and since he
4 knows -- he's one of the folks on the Committee that knows
5 a lot about these issues, he can work with Barry on that.
6 Is that okay, Jose?

7 ALTERNATE ADVISORY COMMITTEE MEMBER CARMONA:

8 Sure.

9 ALTERNATE ADVISORY COMMITTEE MEMBER ARGUELLO: Is
10 that okay, Joe?

11 ADVISORY COMMITTEE MEMBER LYOU: Okay.

12 ADVISORY COMMITTEE MEMBER ARRIETA: So then are
13 we going to get anything prior to the discussion on the
14 Midway Village on the 15th of November? Or is it going to
15 be a brand-new issue that is going to be brought up? If
16 Barbara and Barry are talking to DTSC, we probably ought
17 to get some idea of what happened and what the suggestions
18 might be.

19 CO-CHAIRPERSON TAKVORIAN: Let me -- my
20 recommendation is that in our report to IWG on October
21 25th, that whoever makes that report share the request --
22 the essence of the discussion that we had on our last
23 meeting, the request that we've made of DTSC, and the
24 plans we have for having this discussion at the November
25 15th meeting, and ask Secretary Lloyd and the other BDO

1 heads to discuss and give us any feedback they have about
2 how we might proceed with that discussion.

3 Because it seems wrong to just leave it off of
4 that agenda since it has taken so much of our time and
5 it's such a strong concern that we have. Is that a first
6 step that we can take without a full blown discussion at
7 that meeting and then have a larger discussion? I don't
8 know if it can happen on November 15th, given the other
9 constraints. But I need to get clear I don't know who's
10 doing the report. But whoever does the report needs to
11 know whether they're talking about Midway Village and
12 sharing the decisions of this or the recommendations of
13 this Committee thus far.

14 Bill.

15 ADVISORY COMMITTEE MEMBER JONES: There was going
16 to be a meeting with DTSC and Dr. Lloyd, and they were
17 going to try and come up with some ideas or some ways to
18 resolve and move forward on that. There's also a letter
19 going to HUD --

20 CO-CHAIRPERSON TAKVORIAN: It's gone.

21 ADVISORY COMMITTEE MEMBER JONES: -- that's going
22 on today. The key player is DTSC, at least right now, and
23 the Secretary. Would IWG want to get involved with that
24 whole discussion? Or would it be best discussed with that
25 smaller breakout group to try to find solutions instead of

1 another group to bring it up with and bog it down? Go to
2 the point people, talk about resolution, and then we can
3 be kept up to date, because we obviously have an interest
4 in that being resolved.

5 CO-CHAIRPERSON TAKVORIAN: So your recommendation
6 is this a Subcommittee that meets with Dr. Lloyd.

7 ADVISORY COMMITTEE MEMBER JONES: It's Dr. Lloyd
8 and the Secretary -- I mean, the Secretary, Dr. Lloyd; and
9 DTSC; and the affected community representatives to try to
10 get some resolution on that. Not to start another whole
11 process with IWG to discuss the whole thing. I just don't
12 know if that would be productive. Let's cut to the chase,
13 get to the facts on it, and --

14 CO-CHAIRPERSON TAKVORIAN: And then bring it back
15 to a subsequent CEJAC meeting.

16 ADVISORY COMMITTEE MEMBER JONES: Yeah.

17 CO-CHAIRPERSON TAKVORIAN: That sounds like a
18 motion. Brenda, did you want to speak to that?

19 Is there a second for that discussion?

20 ALTERNATE ADVISORY COMMITTEE MEMBER ARGUELLO:
21 I'll second.

22 CO-CHAIRPERSON TAKVORIAN: All those in favor.

23 (Ayes)

24 CO-CHAIRPERSON TAKVORIAN: Opposed?

25 Abstentions? Okay. Good. So who will initiate

1 that?

2 ADVISORY COMMITTEE MEMBER JONES: I mean, my idea
3 is that the Chair or somebody goes to the Secretary and
4 says, we had a lot of discussion about this. There's
5 obviously a problem, that's why we need and suggest
6 another meeting be held to try to resolve this." Put this
7 in the Secretary's lap, you know, to coordinate it.

8 CO-CHAIRPERSON TAKVORIAN: Okay.

9 ADVISORY COMMITTEE MEMBER JONES: And also just
10 as a point of -- you know, in terms of the public
11 participation and that whole document and the
12 recommendations, I think we need to have some kind of
13 mechanism for third-party arbitration or third-party
14 resolution of these kinds of matters. Because we've been
15 dealing with this for a long time and it seems to just go
16 back and forth and back and forth.

17 One of the ideas that I thought about is maybe we
18 need to put into that public participation process some
19 kind of resolution process. Not just a complaint based on
20 a regional issue. But, you know, it seems like this is a
21 bigger issue that perhaps -- and I know Kim's not here
22 right now. But, you know, perhaps that's something we can
23 put forward.

24 CO-CHAIRPERSON TAKVORIAN: Shankar, can you take
25 that to Dr. Lloyd, that request?

1 CALEPA DEPUTY SECRETARY PRASAD: Yes. Certainly
2 I can coordinate arranging that meeting.

3 But two clarifications. One, all of the people
4 who would be taking lead in this representing the CEJAC.
5 And second, should you have that meeting with just the
6 Secretary and the DTSC, or do you want at the same table
7 the Committee as well?

8 CO-CHAIRPERSON TAKVORIAN: I think the motion
9 included the community members, DTSC, Dr. Lloyd, and
10 members of CEJAC who haven't been identified yet.

11 ADVISORY COMMITTEE MEMBER WALLERSTEIN: The
12 subject was interested members.

13 CO-CHAIRPERSON TAKVORIAN: So it would get
14 noticed and set up. Okay.

15 CALEPA DEPUTY SECRETARY PRASAD: So it is all
16 interested members, means that we'll have an open public
17 meeting.

18 CO-CHAIRPERSON TAKVORIAN: So that item would not
19 be on the November 15th and not be on the IWG meeting.

20 Brenda.

21 ADVISORY COMMITTEE MEMBER JAHNS-SOUTHWICK: I
22 just want clarification. We're simultaneously talking
23 about the agenda for the November 15th meeting and the
24 presentation to IWG, because it wasn't clear to me.

25 CO-CHAIRPERSON TAKVORIAN: Yep, because they were

1 related and we were trying to figure out which things were
2 happening where.

3 ADVISORY COMMITTEE MEMBER JAHNS-SOUTHWICK: So
4 the suggestion was to add the amendment and bylaws to the
5 list of items for IWG or the November 15th?

6 CO-CHAIRPERSON TAKVORIAN: November 15th.

7 So we have on the agenda suggestions for the
8 report for the IWG meeting on October 15th, the public
9 participation issue related to capacity building for
10 community organizations that may include resources and
11 funding, the goals of the pilot project and that the
12 Committee adopted, and the role of CEJAC with background.

13 Are there other items that you feel that we
14 should raise to the IWG that we've been working on? I'm
15 assuming there will be a report on the pilot projects, I
16 guess from staff. Is that a bad assumption?

17 CALEPA DEPUTY SECRETARY PRASAD: We're actually
18 thinking whether it should be a presentation on just to
19 have this as a written update as this Committee had just a
20 discussion on the pilot projects.

21 ADVISORY COMMITTEE MEMBER WALLERSTEIN: I'm just
22 going to make a comment here. Like some of the other
23 Committee members, when I read through the write-ups, I
24 found them lacking in detail and content, especially
25 relative to potential concerns that participants or

1 Committee members might have expressed.

2 And, to me, it was a little hard reading those
3 write-ups to tell exactly where things were with the
4 projects. But I guess on one hand, since the people are
5 doing the projects worked through these directors,
6 theoretically the director knows what his or her staff is
7 doing. But in terms of facilitating public participation,
8 I think the Cal EPA agencies could do a much better job on
9 the write-ups.

10 I'm also of the belief although we kind of --
11 maybe I stepped out of the room at the wrong time. The
12 meth lab project, for example, it talked about we're doing
13 technical stuff. So when we get a little further along,
14 then we'll add the public to the advisory group. And I
15 think we've heard strongly today and discussed amongst
16 ourselves that even if they're not technical experts, it's
17 better to have the public involved from the get go and I
18 think that needs to somehow be worked into our comments.
19 And so I hope you would at least relate to them, or
20 Shankar, you do, that we need documents for us and we
21 would recommend for them that better describe where the
22 project is, its pros and cons and things they're
23 encountering.

24 CALEPA DEPUTY SECRETARY PRASAD: You are correct.
25 As far as the pilot's progress is concerned, I mean, you

1 can all be sure that almost all projects are delayed by
2 about six months. And the primary drivers have been in
3 terms of the progress and scoping of that have been the
4 Local Advisory Groups or the public participation issues.

5 And I fully agree with you. In fact, that's one
6 issue that has been taken up and being discussed on that
7 meth lab project, how well that is happening as public
8 input is being gathered. So I do appreciate your comment
9 on that, and we are going to address that aspect.

10 ALTERNATE ADVISORY COMMITTEE MEMBER ARGUELLO: In
11 terms of the -- I appreciated a couple of the project
12 reports that talked about challenges. And I think as
13 difficult as it is to say your project isn't going great,
14 sometimes acknowledging fully those challenges opens it up
15 so you can get assistance. I think that was one of the
16 things that I saw that wasn't in any of the reports.

17 And I know that we've met with some of the staff
18 and had broad ranging ideas in terms of how to push those
19 forward. And we didn't really see any of that. I know
20 there is some movement. But I think it needs to be
21 brought to the table, because there may be other resources
22 that you need to push them forward.

23 CO-CHAIRPERSON TAKVORIAN: So there was a
24 decision made previously we would not put reports on all
25 the pilot projects on every agenda, because we didn't want

1 to spend every meeting getting reports from staff. But I
2 also think that if there's public comment and that if we
3 had all of the pilot projects agendized in one place, and
4 if there's public comment, it would allow us to comment on
5 the written reports and ask questions and potentially take
6 action or make recommendations. And we wouldn't have this
7 issue of we can't do that. But it doesn't mean we need to
8 hear staff reports on each one. It could be as we have
9 comments and questions. Would that be a middle ground way
10 to handle it?

11 ADVISORY COMMITTEE MEMBER MAGNANI: As along as
12 staff is available to answer questions, sure.

13 ADVISORY COMMITTEE MEMBER WALLERSTEIN: And I
14 agree doing it the way that some of these were done today
15 where the agenda said written updates and allows us to ask
16 questions, if we have -- maybe the staff ought to look for
17 a more common format within Cal EPA for these written
18 updates, including pros and cons or difficulties
19 encountered. And so in my view it could be even shorter
20 from here on in, as long as they have the right
21 information. But consistency would make it easier in our
22 review.

23 CO-CHAIRPERSON TAKVORIAN: So we can ask the
24 Protocol Committee to think about that, or staff to
25 express that.

1 CALEPA DEPUTY SECRETARY PRASAD: Do you like to
2 see these pilots again brought for the November meeting?
3 Or since not much has been happened between now and
4 November, could it be done for a subsequent --

5 ADVISORY COMMITTEE MEMBER WALLERSTEIN: Well,
6 Shankar, you know what we do at AQMD, and I'm sure it's
7 done here at Cal EPA. If the status report is nothing is
8 new, then nothing is new. But at least you're kept up to
9 date. And by knowing nothing is new, then if you get a
10 couple of those in a row, you wonder where are we
11 time-wise on implementing a project.

12 CO-CHAIRPERSON TAKVORIAN: So for the November
13 meeting, we have the hydrogen highway. We have cumulative
14 impacts which got moved from this, so it would be good if
15 that could be put early in the agenda before bylaws. Not
16 that I'll have control over the agenda. And bylaws, and
17 pilot project reports, written reports that there may be
18 questions on. Yeah.

19 ADVISORY COMMITTEE MEMBER KIDOKORO: So was it
20 decided that no Midway Village on the agenda?

21 CO-CHAIRPERSON TAKVORIAN: Right.

22 ADVISORY COMMITTEE MEMBER CLARK: Point of
23 clarification. So what did we do with the Midway stuff?
24 I lost track here. We said we're going to set up a
25 meeting with the Secretary and that's --

1 CALEPA DEPUTY SECRETARY PRASAD: I'm taking the
2 recommendation you would like to have a meeting be set up
3 and do that. And I will be providing your feedback after
4 talking to the Secretary and DTSC how they want to and if
5 they have other suggestions. I'll make sure to
6 communicate that to all of you.

7 ADVISORY COMMITTEE MEMBER CLARK: That meeting
8 would be a public meeting?

9 CALEPA DEPUTY SECRETARY PRASAD: If that meeting
10 is held with all the members, it has to be a public
11 meeting.

12 ADVISORY COMMITTEE MEMBER CLARK: And you will
13 let us know when this meeting will take place, whether it
14 would be before the November meeting or after or what?

15 CALEPA DEPUTY SECRETARY PRASAD: I very much
16 doubt it can happen before the November meeting.

17 ADVISORY COMMITTEE MEMBER CLARK: Okay.

18 CO-CHAIRPERSON TAKVORIAN: Barry.

19 ADVISORY COMMITTEE MEMBER WALLERSTEIN: Something
20 I could check into, if the Committee and Cal EPA are
21 interested, is we have, as does Cal EPA, video
22 conferencing capability. So even though the Midway item
23 isn't on the agenda for the 15th -- I'm not sure I can do
24 it in the room we'll be meeting in. But it may be that we
25 could work with Cal EPA to arrange either broadcasting or

1 reception to here at the Cal EPA headquarters or some site
2 in the Bay Area or both if that would facilitate people
3 from Northern California who are interested in this
4 Committee's activities having an opportunity to watch the
5 Committee and then under public comment even make comment
6 to the Committee in the spirit of openness.

7 CO-CHAIRPERSON TAKVORIAN: Thank you.

8 So we have suggested items for the agenda. I
9 don't know that we need to take action on this. I think
10 it's a brainstorm. Somebody suggested otherwise. We'll
11 hand them to the new Co-Chairs and wish them well.
12 Meeting adjourned.

13 (Thereupon the California Environmental
14 Protection Agency, Environmental Justice
15 Advisory Committee meeting adjourned
16 at 5:04 p.m.)

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1 CERTIFICATE OF REPORTER

2 I, TIFFANY C. KRAFT, a Certified Shorthand
3 Reporter of the State of California, and Registered
4 Professional Reporter, do hereby certify:

5 That I am a disinterested person herein; that the
6 foregoing hearing was reported in shorthand by me,
7 Tiffany C. Kraft, a Certified Shorthand Reporter of the
8 State of California, and thereafter transcribed into
9 typewriting.

10 I further certify that I am not of counsel or
11 attorney for any of the parties to said hearing nor in any
12 way interested in the outcome of said hearing.

13 IN WITNESS WHEREOF, I have hereunto set my hand
14 this 13th day of October, 2005.

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23 TIFFANY C. KRAFT, CSR, RPR

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